

Planning and Rights of Way Panel

Tuesday, 13th July, 2021
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Guildhall

This meeting is open to the public

Members

Councillor L Harris (Chair)
Councillor Prior (Vice-Chair)
Councillor Coombs
Councillor Magee
Councillor Windle

Contacts

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Interim Head of Planning and Economic
Development
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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2020/2021

2021	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 December

2022	
25 January	29 March
15 February	26 April
8 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 2.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

PLEASE NOTE

This meeting is being held in the Guildhall out of necessity to comply with Covid social distancing requirements. As many people will know it is a large space and unfortunately the acoustics for live streaming are not ideal. Every effort will be taken to ensure that members of public can view the meeting online. However, given the necessary precautions set out to try and combat the spread of Covid it is acknowledged that the sound quality may need to be compromised in order for online viewers to follow the meeting; we apologise if this causes any difficulties.

A recording of the meeting will be uploaded to the web after the meeting. Officers will continue to refine the streaming arrangements

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 3 - 12)

To approve and sign as a correct record the Minutes of the meetings held on 22 June 2021 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 21/00412/FUL -182-184 BITTERNE RD WEST (Pages 17 - 126)

Report of the Interim Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 19/01773/FUL - UNIT 1D, QUAYSIDE PARK

(Pages 127 - 140)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 20/01317/FUL - 230 - 234 WINCHESTER ROAD (Pages

141 - 170)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 21/00619/FUL - 11 MONKS WAY (Pages 171 - 180)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 5 July 2021

Service Director – Legal and Business Operations

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Agenda Annex

COVID – 19 MEETING PROTOCOL – COUNCIL CHAMBER

GENERAL POINTS FOR ALL IN ATTENDANCE

- All attendees are expected to undertake the free Covid-19 lateral flow test within 24 hours prior to attendance at any meetings available from <https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests>
- If you are experiencing COVID-19 symptoms, have tested positive for COVID-19, or are self-isolating you must not attend the meeting.
- Please consider in advance how you will safely travel to and from the meeting. Public transport should be avoided if possible, with walking or cycling recommended where possible
- NHS Test and Trace QR code and a self-registration facility will be available for attendees.
- Hand Sanitising points will be available on entry and exit to the venue.
- Face coverings must be worn (unless an exemption applies)
- Identified seating plan will be available at the venue observing social distancing requirements.
- You will be responsible for your own refreshments while in attendance at the meeting.
- There should be no unnecessary movement around the meeting room.
- There should be no sharing of stationery, documents or other equipment.

COUNCILLORS AND OFFICERS

- All Councillors and Officers attending the meeting are strongly encouraged to take a staggered approach to arrival/departure and avoid any socialising and mixing before or after the meeting.
- A seating plan will ensure safe social distancing and seating will be labelled accordingly.
- Face coverings must be worn whilst moving to and from seating. Face coverings may be removed whilst seated.
- Microphones in the Council Chamber are free standing, there is no requirement for these to be shared or passed around.

PUBLIC/MEDIA ATTENDANCE

- Public and Media attendees are encouraged to please provide some advance notice of their intention to attend the meeting by contacting democratic.services@southampton.gov.uk or by telephoning 023 8083 2390 as we may need to review the venue to ensure we can facilitate a covid-safe meeting.
- There will be clearly defined seating areas for members of the public and media.
- Face coverings must be worn if within 2m of someone.
- Members of the public/media wishing to attend the council chamber for particular agenda items will be escorted in and out of the council chamber by a member of council staff.

It is important to note that although the impact of the COVID-19 testing and vaccination programmes has been positive, the 'Hands Face Space Fresh Air' message is still crucial. People who have been vaccinated and/or tested negative for COVID-19 must still apply COVID-safe measures such as social distancing, good hand hygiene and wearing of face coverings where required.

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 22 JUNE 2021

Present: Councillors L Harris (Chair), Prior (Vice-Chair), Coombs, Windle and J Payne

Apologies: Councillors Magee

6. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

It was noted that following receipt of the temporary resignation of Councillor Magee from the Panel the Service Director Legal and Business Operations acting under delegated powers, had appointed Councillor J Payne to replace them for the purposes of this meeting.

7. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 1st June 2021 be approved and signed as a correct record.

8. **PLANNING APPLICATION - 19/00838/OUT - BITTERNE CHURCH OFFICE - WHITES ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans).

Lois Lawn and Stuart Barnes (local residents/ objecting), Gareth Jenkins (agent), Reverend Tony Palmer (supporter) and Councillor Houghton (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition statements were received, circulated and noted from Caroline Dawkins, Wendy Hall, Sue Hamilton, Kathy Bush and Asley Gilroy.

The presenting officer reported number of amendments to conditions and these are set out below.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Interim Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) Delegated approval to the Interim Head of Planning and Economic Development to grant planning permission subject to any amendments set out below and the completion of a S.106 Legal Agreement to secure:
 - a. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - b. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - c. Submission of a construction traffic management plan to ensure that construction traffic causes minimal potential congestion on the local highway network.
 - d. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) including an Affordable Housing Viability Review Clause reflective of the DVS appraisal.
 - e. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - f. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - g. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - h. Provision of a Multi-Use Games Area (MUGA) to be managed through a community use agreement to mitigate against the loss of playing pitches (bowling green and ball court) on the site.
 - i. A plan for tree replacement to mitigate the loss of trees in connection with the Development

- (iii) In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Interim Head of Planning and Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.
- (iv) That t the Interim Head of Planning and Economic Development be granted delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.

Additional conditions

36. Highway Design Further Details – (Pre-Commencement Condition)

Notwithstanding the approved plans detailed design of the pedestrian and vehicular access arrangement for the site; and in particular from Whites Road, shall be submitted to and approved in writing by the local planning authority prior to any works commencing on site. The details shall include either; refuse vehicle tracking and physical measures to prevent the likelihood of informal parking which would likely obstruct refuse collection vehicles from accessing refuse collection points and turning areas associated with all dwellings proposed on site; potentially amending the width of parts of the site access along with bollards and double yellow lines; or details securing private refuse collection for the site. Once agreed the development shall be carried out in accordance the agreed details prior to occupation and maintained throughout the lifetime of the development.

REASON: To secure details in the interests of highway safety and to provide suitable access arrangements for all vehicles (including refuse collection vehicles) and pedestrians along with minimising opportunities for informal parking that would potentially obstruct refuse vehicle access.

37. Waste Management. (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the development shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail use of suitably sized vehicles that will be capable, including evidence, that turning onsite will be achieved and at no time other than collection day shall refuse be stored on the Whites Road public highway.

REASON: In the interest of visual and residential amenity and to ensure highways safety by preventing the need for refuse vehicles to reverse onto the public highway (Whites Road).

38. Development parameters. (Performance Condition)

As identified in the approved plans and the description of development outline permission is granted for the redevelopment of the Bitterne Parish Church site for 15 x two storey houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking; and multi-use games area.

REASON: For the avoidance of doubt.

39. Noise Report – (Pre-Occupation Condition)

Prior to the occupation of the hereby approved multi use games area an acoustic report shall be submitted to and approved in writing buy the local planning authority.

Once agreed the development shall be carried out in accordance the agreed details including all recommendations covering the following aspects of the proposal where appropriate:

- Installation of acoustic barrier which will be built outside the perimeter fence, so they are protected from being hit by balls generating impact noise;
- All fencing must be securely clamped with resilient fixings to prevent vibrations;
- No signage shall be added to the fencing around playing pitches which might otherwise generate vibration and noise if the fence is struck by balls etc;
- All access routes should be located away from the adjacent housing, so far as is practical; and
- Facilities shall be managed to avoid antisocial behaviour and unnecessarily raised noise levels.

REASON: To protect the amenities of the occupiers of existing nearby properties.

40. Multi use games area flood lighting (Pre-Occupation Condition)

Prior to the erection and use of any floodlighting associated with the multi-use games area further details, including mitigation measures to prevent light spill over sensitive adjacent bat foraging areas and adjacent residential properties/gardens, shall first to be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented and thereafter retained as approved. The flood lighting shall be switched off when the multi-use games area is either not in use or outside of the approved operational hours of the multi-use games area.

REASON: In the interest of residential amenity/to minimise the impact on protected species.

41. Multi Use Games Area hours of use (Performance Condition)

The multi-use games area and flood lighting approved shall not be available for use outside of the following hours:

9am to 8.30pm Monday to Friday; and

9am - 7pm Saturday and Sunday

REASON: To protect the amenities of the occupiers of existing nearby residential properties.

42. Vehicular Access limitation (Performance Condition)

At no time shall the pedestrian access from the site through to the A3024 spur road be converted to provide vehicular access

REASON: In the interests of highways safety.

9. PLANNING APPLICATION - 20/00947/FUL - 50 OXFORD STREET

The Panel considered the report of the Head of Planning and Economic Development recommending that the Panel refuse planning permission in respect of an application for a proposed development at the above address.

Erection of a roof top bar – description amended following validation.

Ian Knight (agent), was present and with the consent of the Chair, addressed the meeting. In addition Statements from Cllr Bogle (Ward Councillor) and Colin Beaven objecting were read out at the meeting.

The Panel then considered the recommendation to refuse to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1.Reason for Refusal - Noise and disturbance

The proposed development, by way of its night time use, shared access arrangements with residential properties and open and exposed position on upper floors, would be detrimental to the amenities of neighbouring properties (including residents within the same building) by reason of noise, safety and disturbance. The proposal would therefore be contrary to 'saved' policies SDP1, SDP16 and RE17 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

2.Reason for Refusal - Lack of Section 106 to secure planning obligations.

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas and is, therefore, contrary to Policy CS25 of the adopted LDF Core Strategy (2015):

- i) Late Night Community Safety Contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015); and
- ii) CCTV contribution to address the wider implications of late night uses within the City Centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)

10. **PLANNING APPLICATION - 20/01676/FUL - 248 PRIORY ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Retrospective alterations to site layout to allow an additional parking space resulting in a reduced garden size for block B and alterations to the landscaping to the front of block D to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users (Amended Description)

Penny King (agent) was present and with the consent of the Chair, addressed the meeting. Additionally statements from Tony Scorey and Barry Bowerman were received, circulated and presented to the Panel.

The presenting officers reported the in the light of additional information received after the report was published there was a need to change the recommendation as set out

below. In addition amendments to conditions 2 and 5, as set below, were explained to the Panel.

The Panel then considered the amended recommendation to delegate authority to the Head of Planning and Economic Development grant planning permission. Upon being put to the vote the recommendation was carried.

RECORDED VOTE

FOR: Councillors L Harris, Prior, J Payne and Coombs

AGAINST: Councillor Windle

RESOLVED that the Panel delegated authority to the Head of Planning and Economic Development to issue permission following further investigation/checks regarding land ownership, with any necessary notifications to follow if the original certificate is found to be incorrect and needs amending. If any new material considerations are identified as a result, which were not presented/discussed by Panel, the application shall be reconsidered by the Planning & Rights of Way Panel ahead of final determination. If further notification is needed and no new material issues are identified, within the requisite timeframe then delegated permission will follow.

Amended Conditions

2.Landscaping, lighting & means of enclosure detailed plan (Within 1 month).

Notwithstanding the submitted details, within 1 month of the date of this permission a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- (ii) an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- (iii) a landscape management scheme: and
- (iv) knee rails to prevent loading and unloading from occurring on landscaped areas outside of the emergency vehicle parking area.

The approved hard and soft landscaping scheme for the whole site shall be carried out during the first planting season following the date of this planning permission. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

REASON: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

5. Car Parking Management Plan (Within 1 month).

Within 1 month of the date of this permission a Car Parking Management Plan (CPMP) to include management arrangements, and details of signage to prevent fly parking within the site access and turning areas to control usage of the additional parking area and loading/unloading areas, shall be submitted to and agreed in writing by the Local Planning Authority. The management arrangements and signage shall be carried out, installed and retained as agreed for the lifetime of the development within 1 month from the date of formal approval by the Local Planning Authority. At no time shall the marina loading area/emergency vehicle turning area be used as a permanent, long stay and/or overnight parking area for use by either residents or by boat owners, marina staff and members of the public whilst accessing the moorings, pontoons and slip way fronting the River. Details of such controls shall be repeated in the submitted CPMP.

REASON: In the interests of pedestrian safety and the visual amenities of the area and to ensure that loading/unloading space close to the marina is free and available to use; particularly by the emergency services if required.

11. **PLANNING APPLICATION - 20/00024/FUL - MANSEL PARK**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of standing/seated stands.

Mark Sennitt (agent), and Councillor Spicer (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mary McAuley objecting to the application was received and read out at the meeting

The presenting officer reported amendments to Condition 5, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Amended condition

Condition 5 – Travel (Pre-occupation)

Prior to the first use of the development hereby approved, an updated Match Day Traffic Plan and Transport Statement shall be submitted to the Local Planning Authority for approval in writing. The statement shall include details of parking numbers and locations, match day stewardship to avoid parking overspill and a review mechanism. The development shall not commence use until such details are agreed and once commenced shall operate in accordance with the agreed details.

REASON: In the interest of the amenities of the surrounding residents and highway safety, particularly on match days

12. **PLANNING APPLICATION - 20/01548/FUL - 12 MAYFLOWER ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Change of use from a dwelling house (class C3) to a 5-bed house in multiple occupation (HMO, class C4) (Retrospective)

The presenting officer informed the Panel that an additional condition detailing the occupancy limit should be added to the Planning Permission, as set out below.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below:

Additional Condition

Occupancy limit (Performance Condition)

The C4 small HMO use hereby approved shall be occupied by no more than 5 persons.

REASON: In the interests of protecting the character and amenity of the local area and to ensure appropriate shared space is available.

13. **PLANNING APPLICATION - 21/00162/OUT - ST JOHNS CHURCH**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Erection of 4 semi-detached houses, with associated access from St. James Road, parking and gardens, following demolition of the existing St John's Centre building (Outline application seeking approval for access, layout and scale) (Resubmission 20/00851/OUT)

Robin Reay (agent), and Councillors Leggett and Shields (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.

- (ii) Delegated authority to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
- (iii) Delegated authority to the Head of Planning & Economic Development to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 13th July 2021 - 4pm Southampton Guildhall

Please note:

That the numbers of seats have been limited within the Guildhall in line with Public Health guidelines and that timings are estimated Members of public are advised to attend in advance of these estimated timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing democratic.services@southampton.gov.uk

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
4:00pm – 4:30pm Approximately				
5	MP	DEL	5	21/00412/FUL 182-184 Bitterne Rd West
4:30pm – 5:00pm Approximately				
6	RS	CAP	5	19/01773/FUL Unit 1D, Quayside Park
5:00pm – 5:30pm Approximately				
7	MT	CAP	5	20/01317/FUL 230 - 234 Winchester Road
5:30pm Approximately to close				
8	KW/RS	CAP	5	21/00619/FUL 11 Monks Way

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

MP – Mat Pidgeon

RS – Rob Sims

MT – Mark Taylor

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)
 - (m) Test Lane (1984)

- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Aldermoor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Planning and Rights of Way Panel 13th July 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 182 - 184 Bitterne Road West, Southampton			
Proposed development: Erection of a part 3 part 4 storey building with roof terrace, for use as specialist supported accommodation comprising 5 no.1-bed flats within use class C3, with associated communal accommodation and staff office at ground floor level, bin store and parking, following demolition of the existing building.			
Application number:	21/00412/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination :	07.05.2021 (ETA)	Ward:	Peartree
Reason for Panel Referral:	Request by Ward Member <u>and</u> 5 or more representations	Ward Councillors:	Cllr Bell Cllr Houghton Cllr Payne
Referred to Panel by:	Former Cllr Keogh	Reason:	Design, overdevelopment, parking pressure.
Applicant: A Head of Time Estates Ltd		Agent: Mr Steve Lawrence (Achieve Planning)	

Recommendation Summary	Delegate to Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including the design, impact on neighbouring amenity and on street car parking pressure have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters.

The scheme is therefore judged to be in accordance with Section 38(6) of the

Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2019).

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, SDP15, SDP16, SDP22, H1, H2 and H7 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS16, CS18, CS19, CS20 and CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies
2	10/00374/FUL - Reasons for refusal and refused plans
3	18/00358/FUL - Reasons for refusal and refused plans
4	18/00358/FUL – Planning and Rights of Way Panel Minutes on 10 th July 2018
5	18/00358/FUL – Appeal Decision
6	18/02272/FUL – Approved Plans
7	18/02272/FUL - Planning and Rights of Way Panel Minutes on 12 th March 2019
8	Habitats Regulations Assessment
9	Parking Survey

Recommendation in Full

1. That the Planning Panel confirm the Habits Regulations Assessment set out at Appendix 8; and
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Either the developer enters into an agreement with the Council under s.278 of the Highways Act to undertake a scheme of works or provides a financial contribution towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted Developer Contributions SPD (April 2013);
 - ii. An undertaking by the developer that limits the occupation of the building for use as specialist supported accommodation managed by Southampton City Council's adult social care team.
 - iii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.

- iv. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.

2. That the Head of Planning and Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning & Economic Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Background

Two previous planning applications for residential redevelopment of this site were brought to the Planning and Rights of Way Panel meetings held on 10th July 2018 and 12th March 2019 where the first application (18/00358/FUL) was refused for three separate reasons. The second application (18/02272/FUL) successfully addressed the concerns raised within that decision and was approved. Following the approval of 18/02272/FUL an appeal against the earlier decision to refuse application 18/00358/FUL was dismissed for ecology reasons only and the Inspector was satisfied with the design and scale of the building and its relationship with the character and appearance of the area.

The current application differs to approved scheme (18/02272/FUL) in the following ways:

- An additional floor of accommodation is proposed making the building part 3 part 4 story.
- A balcony/terrace is proposed at third floor level.
- The footprint of the building has increased.
- A mix of both mansard and flat roof form is proposed.
- Elevations proposed are now a mix of red multi facing brickwork, metal infill panels and green planted wall.
- An updated car parking survey has been provided.
- A basement is no longer proposed.
- The proposal now seeks to provide the C3 flats for adults with learning disabilities and who may also have physical disabilities and dementia.
- The accommodation would be staffed in accordance with separate legislation, risk assessments for residents and individual care packages.
- Staff on site would be employed by registered care providers and the accommodation would be managed through Southampton City Council & Southampton City Clinical Commissioning Group.

1. The site and its context

1.1 The application site is located on the corner of Bitterne Road West and Athelstan Road. The site is occupied by a single storey detached commercial unit operated most recently as a hairdressers under the A1 use class. The

site is open and not bounded by boundary treatment at present adjacent to Bitterne Road West and Athelstan Road. Lack of boundary treatment allows members of the public to walk through the site from Bitterne Road West to Athelstan Road. Vehicles are also capable of using the side access between the application site and 186 Bitterne Road West although the route appears informal and seldom used. The proposed development would result in the loss of this access for vehicles.

- 1.2 To the rear of the site there is a vehicular access route allowing access to the backs of the properties 186 – 194 Bitterne Road West. The route is not a public highway and residents benefit from a right of access. Many residents of 186 – 194 use the space behind their properties for parking purposes.
- 1.3 The adjacent building to the east (186 Bitterne Road West) is a traditional two-storey design with a hipped roof. There is a commercial use at ground floor (A5 – hot food takeaway) and residential above. To the rear of the site, along Athelstan Road, are two-storey residential dwellings, to the west is a terrace of two and a half storey buildings with commercial or residential uses at ground floor and flats above whilst to the north on the opposite side of Bitterne Road West are single storey retail units for bulky goods.
- 1.4 The site is not within a primary or secondary retail frontage area nor is it within a District or Local Centre. The site falls within a medium accessibility area and is also within an Air Quality Management Area (AQMA).
- 1.5 Parking on Bitterne Road West and Athelstan Road near to the site is controlled by Traffic Regulation Orders in the form of double yellow lines. The highway adjacent to the site is also controlled by 'no waiting at any time' restrictions.
- 1.6 The wider surrounding area is residential, comprising a mix of terraced houses, semi-detached houses and detached houses. There are commercial uses opposite and Bitterne Train Station is 0.1 mile away to the north west. The nearest defined commercial centres are Bitterne Triangle Local Centre which is half a mile to the north, and Bitterne District Centre which is a little less than a mile to the east.

2. Proposal

- 2.1 The proposal seeks specialist residential redevelopment with the erection of a part three and part four storey building comprising 5 x 1-bed flats. The design incorporates a 35sq.m roof terrace positioned adjacent to the Athelstan Road elevation. The roof terrace would be accessed from the four-storey section of the building that fronts Bitterne Road West.

- 2.2 The residential accommodation would be provided as specialist supported accommodation for adults with learning disabilities and who may also have physical disabilities and/or dementia. The accommodation is within the C3 use class however would also be restricted to the specialist accommodation type by S.106 legal agreement. This is because of the unusual layout with shared ground floor space and also due to the weight given to the proposed use and high demand for specialist accommodation in the city.
- 2.3 The accommodation would be staffed in accordance with individual care packages managed by Southampton City Council and carried out by registered care providers. The proposal seeks to provide 5 x 1 bed flats on the upper floors along with a communal lounge at ground floor and associated staff office, bin and cycle storage. It is not expected that there will be more than 3 staff members on site at any one time. Staff will not be residents, but rather a shift system will be in operation. Additional occasional visits may be made by health workers and family visitors.
- 2.4 Following concerns raised by the Highways Team amended plans have been received which limit the ground floor parking area to one vehicle over, which the upper floors of the building would span.
- 2.5 Access by residents to nearby shops and services, public open space and the roof terrace would be managed by the staff onsite in accordance with individual care packages which are produced following risk assessments.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Policy CS16 is of particular importance as it seeks an improvement of, and an increase in, the provision of homes for senior citizens and disabled people of all ages.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. **Relevant Planning History**

- 4.1 The site has a lengthy Planning site history. The previous application on this site, ref 18/02272/FUL, was recommended to Planning Panel for approval and was subsequently approved on 12th March 2019. The application sought the erection of a three-storey building (with basement) to provide replacement commercial space at basement/ground floor, either within Class A1 or dental surgery only within Class D1, with 1 No. three bedroom maisonette over, either within Class C3 or Class C4. Associated single vehicle servicing bay accessed from new dropped kerb to Athelstan Road. Integral bicycle parking and refuse storage, following demolition of existing retail premises (Resubmission of planning application 18/00358/FUL). The approved plans are included as **appendix 6** and the minutes of the meeting are at **appendix 7**.
- 4.2 Application 18/00358/FUL was recommended to Planning Panel for approval but was subsequently refused on 10th July 2018. The application sought the erection of a three-storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building. Three reasons for refusal were listed and are summarised below (full reasons and plans are included as **Appendix 3**):
1. Design: Responds poorly and fails to integrate with its local surroundings by reason of its cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage leading to an overdevelopment of the site.
 2. Incomplete Car Parking Survey
 3. Lack of Section 106 or unilateral undertaking to secure planning obligations - failure to secure mitigation towards the 'Solent Disturbance Mitigation Project'.
- 4.3 The decision was subsequently appealed with the inspector concluding that the scheme would not harm the character and appearance of the area but would have caused harm to European Sites; the car parking survey having not been contested by officers as a completed survey was provided prior to the appeal being determined. The following points are taken from the appeal decision as they are relevant to subsequent decisions (full appeal decision is included as **appendix 5**):
- Paragraph 7: The modern appearance with key feature being the curved front elevation responds to the corner plot location and the bend in the highway to the front. There is also variety and articulation to the proposed elevations, adding interest to the proposed building's appearance. The use of the terraces would be in keeping with this design approach.
 - Paragraph 8: Although the roof doesn't reflect a traditional pitched roof the modern style roof reflects the modern building style. The varied

style and form of buildings in the area is such that the building design and its flat roof sections would not appear incongruous or detract from the character of the area.

- Paragraph 9: The height as proposed would be only modestly taller than adjacent pitched roof buildings. As a corner plot building in a prominent location a taller building is typical and often a suitable approach, and this is reflected in the Council's Residential Design Guide (2006). In this case, the inspector was of the opinion that the height, scale and form of the proposed building was acceptable in this location.
- Paragraph 10: Due to the relatively small and constrained site hardstanding exceeding 50% of the site was deemed reasonable in the circumstances and not uncommon in the area; with the neighbouring buildings along Bitterne Road West immediately fronting the public footway.
- Paragraph 11: Plot coverage not considered harmful.
- Paragraph 12: Not deemed harmful to need to leave the site to access bin storage and to deemed a clear indication of overdevelopment.
- Paragraph 13: Overall, the proposed design and scale of the building would not be harmful to the character and appearance of the area.
- Paragraph 35: The Inspector concludes that the proposal was in conflict with policy CS22 that requires development to not adversely affect the integrity of international habitat designations.

4.4 Application 10/00374/FUL was refused in May 2010. The application sought planning permission for the redevelopment of the site following demolition of existing shop unit and erection of 5 flats comprising 1 x 1 bed and 4 x 2 bed (two storey with accommodation in roof) with detached single storey bike store and refuse enclosure and new site boundary wall/railings/gates. Five reasons for refusal were listed and can be summarised as follows (full reasons and plans are included as **Appendix 2**):

1. Design; responds poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage. Overdevelopment of the site.
2. Residential Environment; insufficient amenity space, failure to detail adequate mitigation measures (noise, odour, air quality), poorly location refuse and cycle store, lack of defensible space in front of habitable room windows.
3. Highways Safety; doors and windows overhanging public highway when open.
4. Code for Sustainable Homes; no commitment or details submitted.
5. Section 106 – Financial obligations were required to offset the impact of the development.

- 4.5 05/00184/OUT - Redevelopment of the site by the erection of a two-storey building comprising four flats and a commercial retail unit (outline application for means of access and siting). Conditionally Approve.
- 4.6 930240/E – Erection of a first floor to form self-contained flat with ground floor extensions – Refused, April 1993, refusal reasons included: overdevelopment, coverage of site, lack of amenity space, out of character and insufficient parking.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice 02.04.2021. At the time of writing the report **9 representations** have been received from surrounding residents as well as comments against from former Ward Councillor Keogh and comments in favour from Ward Councillor Bell. The following is a summary of the points raised:

5.2 **Poor design/out of character with the surroundings – design has not sufficiently improved.**

Response:

The position of the building on a corner and in an area with varied style and form provides scope for variety of design. The appeal inspector judged the previous contemporary design to not be harmful within this varied context. The proposed design does not move sufficiently far from the appeal scheme to justify refusal.

5.3 4 storey height is too tall.

Response:

The inspector has pointed out that as a corner plot in a prominent location a taller building is acceptable. The Council's Residential Design Guide also indicates that taller buildings can be used to create visual focus at a corners or at the end of a street. The Council's Design Officer agrees that this form of development is acceptable.

5.4 **Overlooking/neighbouring privacy.**

Response:

The layout of the flats means that habitable room windows will not face directly towards neighbouring residential properties or gardens. A privacy screen is proposed on the side of the raised terrace to prevent overlooking impacts from this external area. The distance between the building and the rear of number 1 Athelstan Road is approximately 29m

5.5 Noise from terrace and at shift changeover.

Response:

The Local Planning Authority must plan for reasonable behaviour and provided that residents behave reasonably there is no reason to refuse the application on the basis of noise generation. Shift changes are not expected to be a loud operation and the accommodation will be staffed 24/7.

5.6 Location is unsuitable to provide accommodation for adults with learning disabilities.

Response:

Each individual would have a specific risk assessment to inform their individual care package which is managed through separate legislation. It would then be the responsibility of the registered care provider to ensure that the residents are cared for in accordance with the care plan in the interests of safety and security.

5.7 Greater intensity of use than existing.

Response:

Planning policies seek the maximum use of derelict, vacant and underused land for residential development and intensification is not in itself harmful. The applicants are keen to maximise the site's potential and contribute towards meeting a housing need for vulnerable adults.

5.8 Increased potential for vehicles to unlawfully park on and therefore block the rear access to 186 – 194 Bitterne Road West.

Response:

This is a civil matter to be resolved outside of the planning system and enforced by the Police.

5.9 Highways danger/obstruction when servicing of the proposed residential units.

Response:

There is currently space at the rear of the site for a vehicle to park for servicing purposes. The proposal includes a space on site to ensure that servicing can still occur from the site.

5.10 Highways Safety – sightlines from vehicular access to rear of properties 186 – 194 Bitterne Road West and addition of new dropped kerb.

Response:

Amended plans have been received following which no objection is raised by Highways Development Management on the basis of proposed sightlines and larger parking area for a single vehicle which will make manoeuvring into and out of the space more convenient and therefore also safer.

- 5.11 **Increased traffic generally as a consequence of the development. Increased parking pressure and poor survey work with unrealistic parking locations considered, carried out at inappropriate times of the day; and pre-pandemic (less people now driving to work so greater parking demand).**

Response:

The proposal is unlikely to result in a significant increase in road traffic especially given that the residents will not be car owners. Staff would have access to the onsite car parking space which would need to be managed to also accommodate servicing when needed. Staff would also have access to cycle storage. Access to public transport is available nearby, reliance on private vehicles in this location is not necessary for access to public services and amenities. It is not anticipated that more than 3 staff would be on site at any one time with less being needed for overnight supervision. Family members may also visit the residents however they are likely to have the option of visiting by public and sustainable modes of transport. The submitted transport note and parking surveys provided show that there are up to 59 spaces available on street parking spaces within the assessment area.

- 5.12 **Construction – Disturbance on the public highway (roads and footpath) & noise.**

Response:

A construction environment management plan can be added to control parking of construction related traffic and location of construction compound. Planning conditions can be used to prevent construction at unreasonable hours. Construction would have a short-term impact only, so it is unreasonable to refuse the development on this basis.

- 5.13 **Construction – Damage to the highway.**

Response:

The Highways Act includes provisions for securing works to remedy damage by a third party. The legal agreement will also secure a highways condition survey to guard against damage to the highway from construction traffic associated with this development.

- 5.14 **Use of public land.**

Response

From the information available to the Planning Department it is clear that no public land is required to form the application site.

- 5.15 **Environmental Health issues in neighbourhood with limited enforcement**

Response

Enforcement of environmental health legislation regarding noise and odour is not a material planning consideration to be considered as part of this application.

5.16 **Anti-social behaviour exacerbated by construction**

Response

Separate legislation is used to manage anti-social behaviour.

5.17 **If the accommodation changes to house criminal offenders' crime would increase.**

Response.

Planning permission cannot be refused for this reason.

5.18 **Compromising telephone exchange boxes and a gas sub-station.**

Response.

Planning permission cannot be refused for this reason. Any utilities which encroach cross the site will need to be safeguarded or diverted.

5.19 **Air pollution for residents on the roof terrace**

Response.

No objection has been raised from the Council's Environmental Health Team. The terrace is positioned away from Bitterne Road West and the Air Quality Management Area. In addition, pollution levels disperse with height and the terrace proposed is at 3rd floor level. The previous application was not refused on air quality grounds.

5.20 **Former Cllr Keogh**

- Objection for the following reasons:
- The building is over bearing in terms of its appearance, bulk and height. It clearly is too big for the footprint.
- The design of the building is out of character with the other buildings in the area.
- Increase the pressure on on-street parking in the area.
- Overlooking gardens on Athelstan and Garfield.
- Difficult access to car parking space near to BT box.

5.21 **Cllr Bell**

In Support for the following reasons:

- The height of the proposed building is slightly higher than the immediately neighbouring properties, but there is a precedent in that vicinity for slightly higher buildings.
- The designs look visually appealing and certainly appropriate for that busy junction.

Consultation Responses

5.22

Consultee	Comments
Housing, Adult Social Care	<p>Support given for the proposal.</p> <ul style="list-style-type: none"> • Each resident will have a personalised care plan produced as result of a detailed risk assessment. • Care plans will detail level of supervision needed on a day to day basis. • Staff will be on site 24 hours a day, 7 days a week. • The accommodation would be staffed by registered care providers and managed through Southampton City Council & Southampton City Clinical Commissioning Group; through Adult Social Care. • Plans have been assessed by SCC Learning Disabilities Occupational Therapist who agrees that the needs of some of the potential residents can be met by the proposed scheme including the raised terrace.
Archaeology	No objection subject to conditions.
CIL Officer	The development is CIL liable.
Ecology	No objection, support the design which includes a green wall the green, apply recommended conditions.
Contamination	No objection subject to recommended conditions
Environmental Health, noise and odour	No objection subject to the recommendations set out in the Noise Impact Assessment and Air Quality & Odour Assessment.
Environmental Health, Air Quality	The ground floor isn't a relevant receptor and due to the drop off in concentrations with height. Air quality objectives are met on the ground floor façade by a 'wide margin', air quality is not likely to be significantly harmful at upper floor levels.
Highways Development Management	Amended plans have been received to improve the car parking layout and has resulted in objections being removed. It is deemed that there will be no significant change in terms of highways safety. Apply recommended conditions.

Sustainability	Welcome the inclusion of a living wall which will help improve the air quality and appearance at this busy junction. Detail of the system and its maintenance should be controlled including irrigation which primarily should be provided by rainwater harvesting where possible. No objection subject to recommended conditions.
Southern Water	No objection subject to recommended conditions & informatives.
Urban Design Manager	No objection raised to the design or height proposed.

6. **Planning Consideration Key Issues**

6.1 The key issues for consideration during the determination of this planning application are:

- the principle of the development including specialist housing provision;
- the impact of the design of the building on the character of the area;
- the quality of the residential environment produced for prospective residents;
- the impact on the amenities of neighbouring and surrounding residents;
- highways safety, car parking and access for servicing.
- Mitigation of direct local impacts
- Air Quality and the Green Charter

Principle of the development including specialist housing provision

6.2 The scheme would make efficient use of previously developed land to provide five additional homes for adults with learning disabilities along with shared space at the ground floor which will also include a staff office, thereby assisting the Council in meeting its housing requirements of 16,300 homes to 2026, which includes need for specialist accommodation for persons with disabilities. The proposal incorporates five no. one-bedroom flats proposed to be managed by the City Council Housing Team as specialist accommodation within the C3 (dwelling houses) use class. Policy H2 of the Local Plan encourages the maximum use of derelict, vacant and underused land for residential development. Policy CS5 of the Core Strategy states that for medium accessibility areas net density levels should generally accord with the range for density of between 50 and 100 dwellings per hectare for new residential development. The area of the site proposed for development is 0.016 hectares. With five dwellings the density would be 312 units per hectare which whilst falls well above the range set out above, also needs to be tested in terms of the merits of the scheme as a whole which will also consider site constraints, design response, and access to public services and

amenities, including Bitterne Train Station which is 0.1 mile to the north east. This is discussed in more detail below.

- 6.3 In terms of the proposed housing type there is an identified deficiency of specialist accommodation for adults with learning disabilities in the city which is accessible, adaptable and purpose built; and which have extensive communal areas and open space for citizens who require medium to high level of care. As a result, many of the residents have to be housed outside of the city at greater cost and often in isolation or greater distance from family members. Lack of purpose-built accommodation also leads to poor quality housing being used and greater burden on the local authority through the economy that grouping residents together can bring. The proposal would allow residents to enjoy a more independent life at the same time as having support available close by. The proposed purpose-built accommodation in this location has been deemed suitable for adults with learning disabilities by the council social workers and occupational therapists. Management arrangements would be put in place to ensure the living environment and location is safe for residents of this specialist accommodation,
- 6.4 The use is not opposed in principle having taken into account the land use designation for the site and relevant planning policies and is supported by policy CS16 that seeks an improvement of, and an increase in, the provision of homes for senior citizens and disabled people of all ages.

Impact of the design of the building on the character of the area

- 6.5 The proposal remains a significant improvement over the previously refused 2010 scheme and remains contemporary in form so retains similarities in style to the successful 2018 appeal scheme (18/00358/FUL), which the inspector did not oppose on the grounds of design or scale; along with the scheme approved by panel on the 12th March 2019 (18/02272/FUL).
- 6.6 When compared to both the appeal scheme (18/00358/FUL) and the approved scheme (18/02272/FUL) the main change to the proposal is the increase in accommodation proposed across four storeys of accommodation rather than three. The result is an increase in height and depth/footprint on upper floors of the building. These changes are summarised in the two tables below to aid comparison:

6.7

Height measurements		Difference from proposed max height (10.8m)	Difference from proposed max eaves height (8.6m)
Appeal scheme 18/00258/FUL (maximum)	9.5m	1.3m	- 0.9m
Appeal scheme 18/00258/FUL (lower roof section)	8.8m	1.9m	- 0.2m
Approved scheme 18/02272/FUL	8.7m	2.1m	- 0.1m
Neighbours ridge (186 Bitterne Rd West)	8.8m	2m	- 0.2m
Neighbours eaves (186 Bitterne Rd West)	6m	4.8m	2.6m

6.8

Footprint measurements (in sq.m)		Difference from proposed footprint at 1 st and 2 nd floors (125sq.m)
Appeal scheme 18/00258/FUL 1 st floor including terrace	122	3
Appeal scheme 18/00258/FUL, 1 st floor not including terrace	105	20
Approved scheme 18/02272/FUL, 1 st floor including balcony	110	15
Approved scheme 18/02272/FUL, 1 st floor not including balcony	84	41

6.9

In terms of design the proposal now seeks to enclose space that was an open first floor terrace under application 18/00258/FUL (dismissed at appeal). The same area of the site (to the rear of the main Bitterne Road West elevation and adjacent to Athelstan Road) was approved as a semi-

enclosed terrace at first floor level and open terrace at second floor level under application 18/02272/FUL. The current form, whilst also creating an undercroft at ground floor, is followed by two floors of accommodation above with a roof terrace now at third floor level.

- 6.10 The design of the building now includes a mix of both mansard and flat roof which is similar to the appeal scheme 18/00258/FUL. Similarly, the materials proposed and site coverage also share characteristics with the appeal scheme whereby the footprint significantly exceeds 50% of the site and there is a mix of contemporary materials proposed which in this case includes a mix of red multi facing brickwork, metal infill panels, aluminium window frames and doors; and green planted wall to provide a prominent design feature on the corner.
- 6.11 As previously noted in the report to Planning Panel associated with approved scheme 18/02272/FUL, the unusual shape and corner position of the site makes it difficult to directly reflect the appearance of properties on Bitterne Road West and, therefore, allows for some flexibility in design terms. The appeal inspector, when determining application 18/00258/FUL, also considered that in this circumstance it is reasonable to allow the development that exceeds 50% of the site due to the site's relatively small size, constrained nature and position in the middle of an urban area. The proposed plot coverage (122sq.m measured at first floor [including the terrace]) was therefore not deemed to be harmful to the character of the area and it was judged to provide a suitably efficient use of this plot. Likewise, when approving application 18/02272/FUL the Planning Panel judged the footprint of 110sq.m (measured at first floor) to also be acceptable. The proposal seeks a maximum footprint of 125sq.m which would be 15sq.m more than the approved scheme and 3sq.m more than the appeal scheme (when taking the terraces into account). When not taking the terraces into account the differences are 41sq.m and 20sq.m respectively.
- 6.12 In terms of height the Planning Panel have previously approved a scheme (18/02272/FUL) that had a maximum height of 8.7m which is 0.1m lower than the neighbour at 186 Bitterne Road West. The appeal inspector has also considered that a building measuring 9.5m on the corner and stepping down to 8.8m adjacent to 86 Bitterne Road West is also acceptable. This equates to being 0.7m taller than the neighbour at number 86 at the corner and where the appeal scheme stepped lower its height would have matched that of the neighbour.
- 6.13 When coming to a conclusion on the basis of the proposed height of the building the inspector considered that the height at 9.5m '*would be only modestly taller than adjacent pitched roof buildings. Furthermore, as a corner plot building in a prominent location a taller building is typical and often a suitable approach, and this is reflected in the Council's Residential Design Guide (2006)*'. As such the Inspector judged that the building would have a

height and scale that is acceptable in this location.

- 6.14 The proposed building, in comparison, would measure 2m taller than the neighbour at number 86 Bitterne Road West. This is also deemed to be fairly modest when considering the overall height of both building; and because it would only be an additional 1.3m taller than the appeal scheme.
- 6.15 Support is also given to the proposed additional height of the building after having regard to the guidance set out in the Council's adopted Residential Design Guide, as mentioned by the inspector, that allows taller buildings to be considered at street corners. The guidance goes on to state that '*Taller buildings can be used to create a visual focus at a street corner and an opportunity for mixed use and a focus for increased activity*'; and '*Each street, providing it is in character with the local area, should have a visual focus at the corner or end of a street that gives it a unique identity and a focus for increased vitality and activity*' and, '*this can take many forms such as ...'A building that is taller or larger in scale and proportion than the general scale and proportion of development in the street;*'.
- 6.16 In seeking to substitute the previous scheme for the current proposal the architect has aimed to create a positive and attractive marker building on this major junction that is positioned adjacent to one of the main east west routes into and out of the city. Officers have no objection to the resulting design.
- 6.17 In addition, the design seeks to lessen the visual impact of the change in building heights from 186 Bitterne Road West up to the proposed block by employing a mansard roof design adjacent to the neighbour, the eaves of which would be 8.6m in height and so would be 0.2m lower than the maximum height of 186 Bitterne Road West. The architect has also chosen to change the layout and shape of windows in the section of building closest to the neighbour with the aim of creating a smoother visual transition from building to building. The inspector has also acknowledged that there is no consistent architectural style in the area and describes the area as having a varied style and form of buildings. The proposed building therefore, in terms of its architectural style, is judged to be acceptable as it follows the two previous schemes by also having a modern appearance, with a key feature being the curved front elevation which would also now be enhanced by a living green wall, the specification of which has been submitted with the application. As such the building would similarly respond to the corner plot location of the site and the bend in the highway to the front. The design also retains variety and articulation to the proposed elevations, which add interest to the proposed building's appearance. The use of the terraces would also be in keeping with this design approach.
- 6.18 Taking all of the above into account, and whilst design tastes may vary, in this instance officers agree with the applicant that the proposal would be acceptable in design terms; including the characteristics of bulk, mass and

overall height. The principal reason is the corner location which allows for buildings that are larger than buildings found typically in the area. The building would also not be significantly taller than the neighbouring building and the design seeks to create a sensitive step due to the roof form and window position and style. The proposal would also not be significantly taller than the three storey buildings opposite. The area does have variety and the contemporary architectural style has not been opposed in the past by either the planning committee or the appeal inspector. In addition, the height and style of the building is not opposed by the Council's Urban Design Manager.

- 6.19 Use of high-quality modern materials will be needed in order to ensure the visual success of the scheme. Materials along with the green wall will be controlled by condition.

Quality of the residential environment produced for prospective residents

- 6.20 The proposed residential development is within walking distance of a range of local facilities and services with good access to public transport. Whilst cycling may not be an appropriate form of transport for the residents, staff would be able to also use bicycles and scooters (including e-bikes and e-scooters) to access local facilities and services; and to travel to the site. In particular there is a small parade of shops close to the application site on Bitterne Road West and there is a larger parade of shops on Bitterne Triangle which is approximately half a mile to the north. Bitterne District Centre is also less than a mile away to the east.
- 6.21 The proposal incorporates a roof terrace measuring 35sq.m for the occupants to share. The roof terrace would be positioned at third floor level and would include a privacy screen to prevent views from being achieved to the east. Whilst the amenity space provided therefore does not accord with the space requirements recommended in the residential design guide given the limited site area, the proposed nature of the occupation and proximity to Riverside Park, half a mile to the north, the quantum of amenity space is considered acceptable. It is also noted that the flats are compliant with nationally described spaces standards and the proposal incorporates a ground floor communal space for all residents and staff to share.
- 6.22 The privacy experienced by residents will be acceptable and natural surveillance of the street is achieved from habitable room windows. The ground floor entrance to the flats is also located so that it will be visible from the street.
- 6.23 Habitable rooms within the proposed buildings will all have good access to outlook, and daylight.
- 6.24 The Council's Scientific officers have not opposed the application which is accompanied by an air quality assessment that takes account of the

proximity of the site to the adjacent the air quality management area. It is noteworthy that air quality improves due to particulate dispersion at greater height so the position of residential at first floor and above is advantageous in this respect. The report and subsequent update identifies that the impacts of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable. The report author has reviewed nationally set standards for air quality and survey data provided by Southampton City Council for this location when compiling the report. The conclusion to the report does not therefore recommend any mitigation measures in respect of air quality and considers that there should be no constraints to residential occupation at the site, with regard to air quality. The Environmental Health Team agree.

- 6.25 In terms of odour the neighbouring hot food takeaway has a flue which is positioned adjacent to the application site. The impact of the flue on the occupiers of the unit has been mitigated by designing the building so that there are no windows within the flank wall of the building and next to the hot food take away unit. The Air Quality and Odour Assessment concludes that given that odour effects at the proposed development are likely to be negligible, the odour impacts are judged to be insignificant. The Environmental Health Team also agree to this approach.
- 6.26 In relation to the safety and security of the residents with learning disabilities all individuals will have the appropriate level of support when going out in the community, so if there are risks in terms of road safety, their risk assessment will specify the level and type of support required, in order to keep them safe – for a number of potential residents this could mean direct 1:1 support.
- 6.26 In terms of the open space, the Council's Learning Disabilities Occupational Therapist has reviewed the plans and agrees that the needs of some of the potential residents could be met within the proposed roof terrace. It's also unlikely that all residents will use the terrace at the same time, as they will all have a personalised care plan ensuring supervision if necessary. The addition of the downstairs communal space is unusual for this type of specialist accommodation and is considered by our housing team to be a very positive aspect of the proposal which would provide a valuable space for a wide range of possible facilities and activities for the residents to enjoy.

Impact on the amenities of neighbouring and surrounding residents:

- 6.27 The proposed building is larger than the existing building on the site and as a consequence a greater shadow will be cast by it. The shadow diagram provided by the applicant indicates that in the evening, especially during the winter, neighbouring sites will, in part, be cast in shadow. However, in the summer months when the sun is higher in the sky the impact will be less. Overall the impact is acceptable as the position of the building to the north west of 1 Athelstan Road means that there will be no impact on the

occupiers of that property and due to the position to the west of 186 Bitterne Road West there will not be a significant impact throughout most of the day. In addition, the rear of 186 is not used as an amenity space rather it is laid to hard surfacing and used primarily for parking purposes.

- 6.28 The proposal will not harm outlook from habitable room windows of the neighbouring property.
- 6.29 A privacy screen will be used to ensure that neighbouring privacy is not harmed as a consequence of the raised balcony.
- 6.30 Provided that the occupiers of the proposed development behave reasonably neighbours' residential amenity in terms of noise and disturbance will not be significantly harmed.
- 6.31 The rear of the proposed building would be approximately 29m from the closest rear corner of the building at 1 Athelstan Road. The rear garden of number 1 Athelstan Road is also positioned to the south east of the application site meaning that the garden is not in the direct line of sight from the proposed south facing habitable room windows. As such, whilst it acknowledged that some overlooking of the frontage to 1 Athelstand Road may occur at a distance of approximately 15m, the juxtaposition of proposed south facing habitable rooms windows and open edge of the terrace (not screened by privacy screen) is such that no harmful overlooking of the neighbour's garden would take place. Obscure glazing could be used to protect the amenity of the residents within the front garden of 1 Athelstan Road if this is deemed necessary.

Highways safety, car parking and access for servicing.

- 6.32 The proposal indicates one dedicated space for parking and identifies that the space will be used for servicing associated with the specialist accommodation. It is noted that the Highways Team are supportive of this approach and have not opposed the scheme. The Highways Team and the case officer acknowledge that servicing occurs from the rear of the site at present with servicing vehicles also parking at the rear. Whilst the proposal does not include turning provision on site existing servicing vehicles are also unlikely to currently be turning on site before re-entering the public highway. It is therefore deemed acceptable to support the current proposal given that the changes are not judged to be significant in terms of highways safety and represents improvements over the current situation as sight lines can be secured by condition.
- 6.33 The site is within a medium accessibility area. The location is well served by public transport and it is not considered that the occupiers of the residential units will be car owners.

- 6.34 Therefore, whilst the adopted maximum parking standards would allow up to two parking spaces per residential unit, the figure is an absolute maximum and sites may not always be capable of delivering more parking. A suitable balance is needed, and SCC standards do allow for car free development. In this particular case one space to serve the development, to be managed by staff for servicing purposes is considered acceptable.
- 6.35 The assessment has been made having also taken account of the submitted car parking surveys that have been prepared by Paul Basham Associates. Parking surveys were undertaken within a 250m radius of the site, in accordance with the Lambeth Methodology and Southampton City Council's adjusted Parking Survey requirements in consultation with the Council's Highways Team. The first survey (covering Sunday 3rd February and Tuesday 5th February 2019 [22:00] and submitted with application 18/02272/FUL) shows that there is sufficient available capacity (6 spaces [see appendix 9]) within the local area to accommodate parking that may be required as a consequence of staff visiting the development. The second parking survey (covering Tuesday 20th April [22:00] and Sunday 25th April [22:00] 2021) shows a significant increase in car parking availability with up to 58 spaces available and as such also shows sufficient on street car parking is available.
- 6.36 In terms of parking the proposal is also likely to have a lower demand than the customers, staff and residents of the previously approved scheme and so represents a betterment in this respect.
- 6.37 The historic or current arrangement whereby neighbours and visitors to the site; and visitors to nearby commercial units, park on the site is not a material planning consideration given that the current arrangement could be ended irrespective of planning permission being granted. This is again a civil matter.
- 6.38 Objectors to the previous scheme, in particular those who live within the row 186 – 194 Bitterne Road West and who have access over land to the rear of the site to access their properties (including by car), were concerned that as a direct result of the proposal current problems associated with gaining access to and from the rear of their properties will be exacerbated. Whilst Officers understand the frustration that may occur in the event of the access being blocked the point is immaterial to the determination of this planning application. The applicant should not be penalised for the unlawful parking of vehicles on a privately-owned service route. Local parking pressure and illegal parking practices are acknowledged however they cannot be directly attributed to the proposed development. The application must be determined with reasonable behaviour in mind.
- 6.39 No objection has been raised to the proposal from the Highways Development Management Team. Refuse and cycle storage, as well as parking on site, can be achieved and the scheme, in highways terms, is not

dissimilar to the previously approved scheme.

Air Quality and the Green Charter

- 6.40 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.41 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.42 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth.
- 6.43 The application has addressed the Green Charter and the air quality impact of the development by the addition of a green wall and provision of energy and water efficiency measures.

Mitigation of direct local impacts

- 6.44 The application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the limited impacts associated with a development of this scale, a package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is expected to be for highway works and these works will be secured via a Section 106 legal agreement. These works will be improvements to pedestrian and cycle facilities within the vicinity.

- 6.45 In addition, there will need to be the contribution towards mitigating impact on the Solent Special Protection Area, the use will need to be limited to occupation of the building for use as specialist supported accommodation managed by Southampton City Council's adult social care team; and a highways condition survey will need to be secured.

Habitat Regulations

- 6.46 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. This application has complied with the requirements of the SDMP and meets the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) and the Panel need to agree that the impacts caused from the new dwellings can be mitigated as discussed in the attached Habitats Regulations Assessment and the final reason for refusal has been addressed.
- 6.47 The previous scheme was also dismissed for failing to mitigate the impact of the development by reason of nitrogen from waste water it the consequential impact on designated sites (Natura 2000); this will however, now be mitigated and secured through the Section 106 legal agreement.

7. Summary

The Council is committed to providing high quality residential environments for all citizens of the city including for people with disabilities and aim to work with developers to make efficient use of available land. Permission is sought for a well-designed scheme secured for specialist purpose-built accommodation on previously developed land which is within close proximity to a train station. As such the scheme fulfils the requirements of the NPPF.

8. Conclusion

Having taken account of all relevant material planning considerations which include the approved scheme (18/02272/FUL), the scheme dismissed by the appeal inspector (18/00358/FUL), and the proposed use as specialist accommodation, it is recommended that planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (b) (d), 4 (f) (g) (vv), 6 (a) (b), 7 (a).

MP for 13/07/21 PROW Panel

PLANNING CONDITIONS

1. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on

which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved

plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority. In accordance with the submitted floor plans at no time shall the ground floor of the development hereby approved by used as residential accommodation.

Reason: For the avoidance of doubt and in the interests of proper planning and the interests of the quality for the residential accommodation provided.

3. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

4. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the

agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

5. Details & samples of building materials to be used [Pre-above ground work condition]

Notwithstanding the approved plans no above ground works shall be carried out unless and until a detailed schedule of materials and finishes including samples (of bricks, roof tiles and cladding) to be used for external walls and the roof of the proposed buildings; and all boundary treatment, has been submitted to and approved in writing by the Local Planning Authority. Details shall include all new glazing, window reveal depth, window sill details, panel tints, drainage goods, and the ground surface treatments formed. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

6. Balcony & Terrace Access [Pre-Occupation Condition]

The external balcony and terrace serving the development hereby approved shall be carried out in accordance with the approved plans and made available prior to the first occupation of the development hereby permitted. The balcony space shall be retained with access to it at all times for the use of the occupants thereafter in perpetuity.

REASON: To ensure the provision of adequate amenity space in association with the approved development.

7. Balcony Privacy Screen [Pre-Occupation Condition]

Before occupation of the development hereby approved full details of the privacy screen proposed to be added to the raised terrace, used to prevent overlooking of neighbouring properties to the east, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be erected prior to the occupation of the building and subsequently shall be retained.

Reason: To protect the amenities and privacy of occupiers of the adjoining property

8. Windows and doors opening inwards and not to overhang public highway [Performance Condition]

The doors providing access to the ground floor hereby approved shall open into the building and at no time shall windows or doors encroach onto or overhang the public highway.

Reason: In the interests of highway safety

9. No other windows or doors other than approved [Performance Condition]
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings other than those expressly authorised by this permission shall be inserted at first and second floor level within the buildings hereby approved without further prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

10. Hours of Work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby

granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the

buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

11. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

(a) parking of vehicles of site personnel, operatives and visitors;

(b) loading and unloading of plant and materials;

(c) storage of plant and materials, including cement mixing and washings, used in constructing the development;

(d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary; and

(e) measures to be used for the suppression of dust and dirt throughout the course of demolition and construction;

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

12. Wheel Cleaning Facilities (Pre-commencement)

During the period of the preparation of the site, excavation for foundations or services and

the construction of the development, wheel cleaning facilities shall be available on the site

and no vehicle shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

13. On site vehicular parking [Performance Condition]

The approved vehicular parking space shall be constructed and laid out in accordance with the approved plans prior to the first occupation of the development hereby approved. The parking space approved shall be permanently retained for servicing and parking purposes associated with this development thereafter for the lifetime of the development.

Reason: To avoid congestion of the adjoining highway and in the interests of highways safety.

14. Measures to prevent additional parking (Pre-Occupation Condition)

Prior to occupation measures to prevent vehicle parking outside of the defined parking space provided and agreed on site shall be submitted to and approved in writing by the local planning authority. Once approved the measures shall be implemented prior to occupation of the building.

Reason: In the interests of highways safety.

15. Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

16. Archaeological structure-recording work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

17. Archaeological watching brief investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

18. Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

19. Land Contamination investigation and remediation (Pre-Commencement &

Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scheme of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

20. Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

21. Unsuspected contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the

details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

22. Public sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

23. Foul and surface water sewerage disposal - Pre-commencement Condition.

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Once approved the development shall take place in accordance with the agreed details.

Reason: To ensure correct disposal of foul and surface water is achieved from the site.

24. Energy & Water [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

25. Energy & Water [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

26. Landscaping detailed plan [Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which

includes planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

Note the landscaping plans should:

- o Not include excessive amounts of concrete or tarmac surfacing, block pavements should be used to the rear to define the private space. Migratory materials will not be accepted where spillage onto the public highway is likely to result.
- o Identify that no surface water from the site shall run onto the public highway. Details shall be included explaining how this will be prevented.
- o Boundary treatment will be needed to define the rear of the site. A low brick-built wall should be used to do this.
- o Boundary treatment shall not include timber fencing adjacent to the public highway.

27.Green wall specification and maintenance [Pre-Commencement Condition]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until a specification and management plan for the green wall, including the irrigation system, is submitted and agreed in writing with the Local Planning Authority. The green wall to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter by a qualified maintenance company for the lifetime of the development.

Reason: To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13.

28.Sightlines [Performance Condition]

The boundary treatment of the site adjacent to Athelstan Road and the boundary treatment within 2m of Athelstan Road, measured along the southern boundary, shall

not exceed 600mm in height. The approved sightlines shall be provided before the occupation of the building and maintained in perpetuity.

Reason: To provide safe access to the development and to prevent congestion on the highway.

29. Waste Management [Pre-Occupation Condition]

Prior to the occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the local planning authority. Once approved the occupation of the building shall be implemented in accordance with the approved waste management plan. The waste management plan shall detail the arrangements made to ensure that refuse is moved from the refuse store to the highway for collection purposes on a weekly or two weekly basis. At no time other than collection day shall refuse be stored on the public highway.

Reason: In the interest of visual and residential amenity.

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Application 21/00412/FUL

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
NE9	Protection / Improvement of Character
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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**DETERMINATION OF APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990**

Town and Country Planning (General Development Procedure) Order 1995

SCANNED

02 JUN 2010

Daniells Harrison Chartered Surveyors Attn Mr T Wright
The Old Manor House
Wickham Road
Fareham
PO16 7AR

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: **Redevelopment of the site following demolition of existing shop unit and erection of x 5 flats comprising 1 x 1 bed and 4 x 2 bed (two storey with accommodation in roof) with detached single storey bike store and refuse enclosure. New site boundary wall/railings/gates.**

Site Address: **182 - 184 Bitterne Road West Southampton SO18 1BE**

Application No: **10/00374/FUL**

For the following reason(s):

01.
REFUSAL REASON - Design

Whilst the principle of a flatted redevelopment scheme is accepted, the proposed development of this prominent corner site is considered to respond poorly and fails to integrate with its local surroundings by reason of its design, including flat roofed form, its relationship with the existing pattern of development along Bitterne Road West and the excessive site coverage (building and hard-standing) with a limited setting to the building. Furthermore:-

(a) The proposed building footprint and associated hard-standing results in an excessive site coverage that fails to respond to the spatial characteristics of the pattern and proportions of buildings along the Bitterne Road West frontage .

(b) The need to incorporate a flat roof form, due to the proposed proportions of the building ,including it's excessive depth , results in the design which is out keeping and character with the traditional ridged roof form of buildings in the surrounding area.

(c) Poorly located refuse and cycle storage facility; and amenity space is proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the store/amenity space and the entrance to the flats. The poor functionality and accessibility of the arrangement is symptomatic of an overdevelopment.

In combination, these design issues result in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP1 (i) SDP7 (i) (iii) (iv) (v), SDP8 (i) (ii) and SDP9 (i) (iv) (v) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

02.

REFUSAL REASON - Residential Environment

The Local Planning Authority is not satisfied that the proposed residential accommodation provides an attractive and acceptable living environment for prospective residents, in particular:

(a) The proposal fails to provide adequate external space which is fit for its intended purpose to serve the on-site amenity space needs of prospective residents, including external seating and areas for drying clothes, as required by adopted City of Southampton Local Plan Review (2006) Policy SDP1 (i) and SDP7 (v) as supported by paragraph 2.3.14 and section 4.4 of the Council's approved Residential Design Guide SPD (2006);

(b) Failure to provide details concerning the impact of poor air quality and noise generated within close proximity to the site; and an investigation of potential mitigation measures results in a development which fails to prove that the environmental conditions for residents shall be acceptable. As such the development would be contrary to policies SDP1 (i), SP15 (ii), SDP16 (ii) and H2 (iv) of the adopted City of Southampton Local Plan Review (March 2006)

(c) Poorly located refuse and cycle storage facilities and amenity space are proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the cycle store and the entrance to the flats. Access to the amenity space is achieved via a gated entrance which is within the immediate proximity of a habitable room window of one of the ground floor flats. Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

(d) Lack of defensible space in front of habitable room windows and proposed entrances to the flats would unacceptably affect the amenity and sense of safety and security of the occupants of the proposed residential units, as a consequence the development would poorly integrate into the local community. Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i), SDP8 (ii) and SDP10 (iii) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

03.

REFUSAL REASON - Highway Safety

The proposed development by reason of its footprint and access arrangement, which includes door, window and gated openings which would overhang the public footpath which borders the site would give rise to highway safety concerns owing to the obstruction of the public highway. Accordingly the scheme fails to comply with "saved" policies SDP1 (i) and SDP7 (i), (iii) and (v) of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

04.

REFUSAL REASON - Code for Sustainable Homes and Climate Change

In the absence of any commitment to the Code for Sustainable Homes, an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

05.

REFUSAL REASON - Section 106

In the absence of a completed S.106 Legal Agreement the proposals fail to mitigate against their direct impact and do not, therefore, satisfy the provisions of Policy CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

A) Measures towards the relevant elements of public open space required by the development in accordance with Policies CS21 and CS25 of the Local Development Framework Core Strategy Development Plan Document (January 2010) and the adopted SPG relating to Planning Obligations (August 2005) in relation of amenity open space, play space and playing field. .

B) Measures to support site specific transport contributions for highway improvements in the vicinity of the site in accordance with Policies CS18, CS19 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended)

C) Measures to support strategic transport projects for transportation improvements in the wider area in accordance with Policies CS18 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

D) The provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (January 2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);

(E) In the absence of a Highway Condition survey the application fails to demonstrate how the development will mitigate against its impacts during the construction phase;



 **Paul Nichols**
Head of Planning & Sustainability

24 May 2010

For any further enquiries please contact:
Mathew Pidgeon

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

Drawing No:	Version:	Description:	Date Received:	Status:
100 REV A		Site Plan	29.03.2010	Refused
101		Floor Plan	29.03.2010	Refused
102		Floor Plan	29.03.2010	Refused
103		Elevational Plan	29.03.2010	Refused
104		Elevational Plan	29.03.2010	Refused

NOTES

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within the timescales set out below.

1. Appeals can be submitted on line and **must be registered within six months of the date of this notice at www.planning-inspectorate.gov.uk** or by a form available from the Planning Inspectorate, 3/15 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS2 9DJ. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority.
2. If permission to develop land is refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Local Planning Authority a purchase notice requiring that the Authority purchase their interest in the land in accordance with Part IV of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. For those developments which are covered by the Disability Discrimination Act, the attention of developers is drawn to the relevant provisions of the Act and to the British Standard B300:2001 Design of buildings and their approaches to meet the needs of disabled people code of practice.
5. The applicant is recommended to retain this form with the title deeds of the property

Please address any correspondence in connection with this form, quoting the application No to: **Development Control Service, Southampton City Council, Civic Centre, SOUTHAMPTON, SO14 7LS**

10100374/AW

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PLANNING &
 17 MAR 2010
 SUSTAINABILITY

29 MAR 2010

SUSTAINABILITY

no.	description	date	checked by

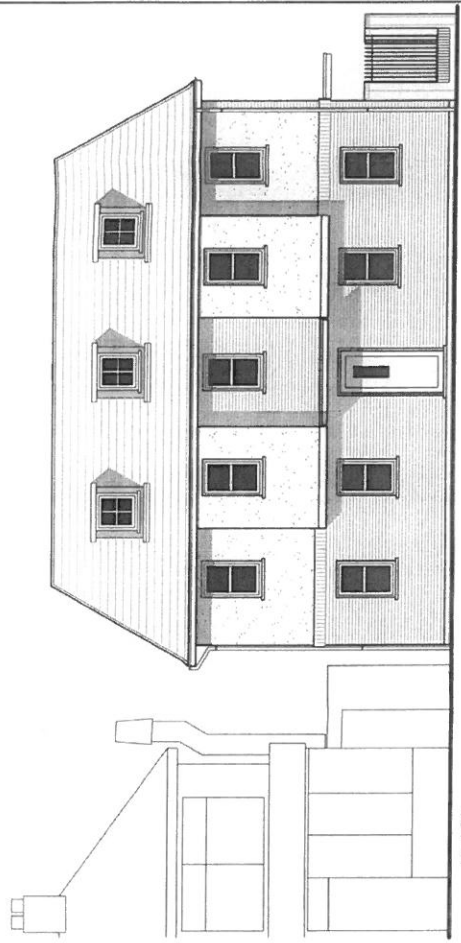
Project
 182-184 Bitterne Road West
 Southampton
 Hampshire

title
 GA Elevations
 client
 Moor Construction

scale
 1:100 @A3
 drawn by
 TW
 checked by
 TW
 date
 11.03.10
 job no
 090616
 drawing no
 103

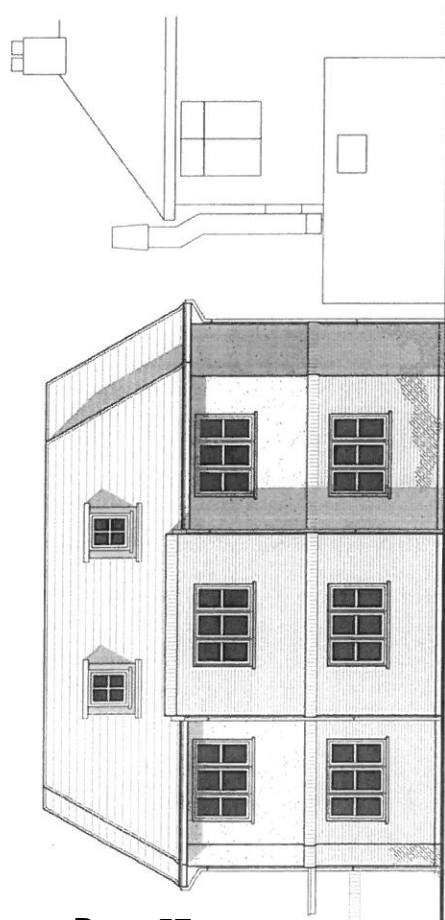
Daniells Harrison
 CHARTERED SURVEYORS
 The Old Manor House
 Wickham Road
 Farnham
 PO16 7AR
 Tel: 01252 21199
 Fax: 01252 21185
 Email: gw@dihes.co.uk
 www.dihes.co.uk

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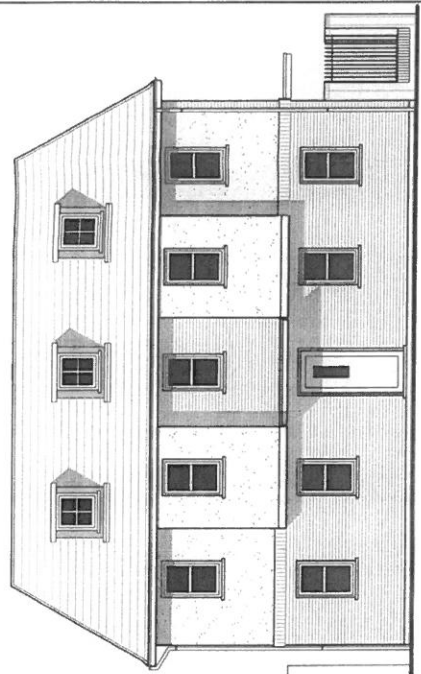
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West Elevation



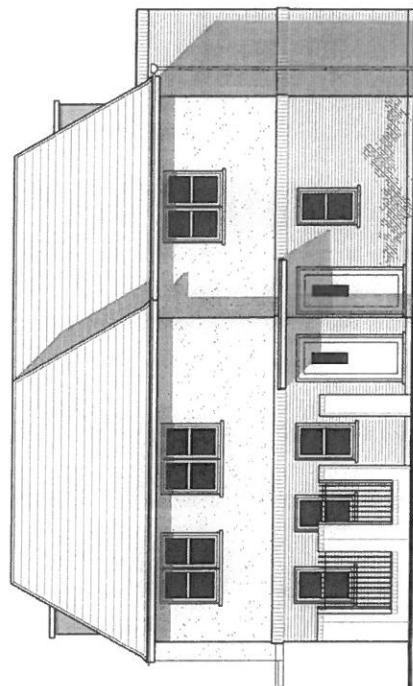
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South Elevation



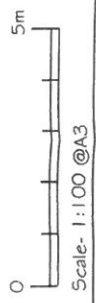
No. 186

North Elevation



East Elevation

- Materials**
- Roof- Fibre Cement Slate, blue/ grey to 60° slope.
 High performance polymer type, grey to flat top section
 - Walls- Ground Floor: Facing brickwork, red multi.
 BOE soldier course.
 First Floor: Render, white/ cream.
 - Softsels/ Fascias- UPVC, white
 - Rainwater Goods- UPVC, black
 - Windows/ Doors- UPVC double glazed, white



101005741 DW

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PLANNING
29 MAR 2010

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A	Cycle and Bin Store details added	24.03.10	

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182-184 Bitterne Road West
Southampton
Hampshire

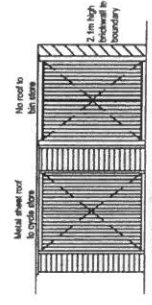
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Client Moor Construction	
Scale 1:100 / 1:1250 @A3	checked by
Drawn by TW	date
date 11.03.10	no.
job no. 090616	100
	A

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PO16 7AR
Tel: 01329 221199
Fax: 01329 221185
Email: ps@dhes.co.uk
www.dhes.co.uk

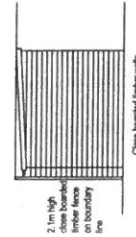
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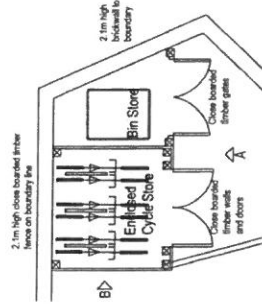
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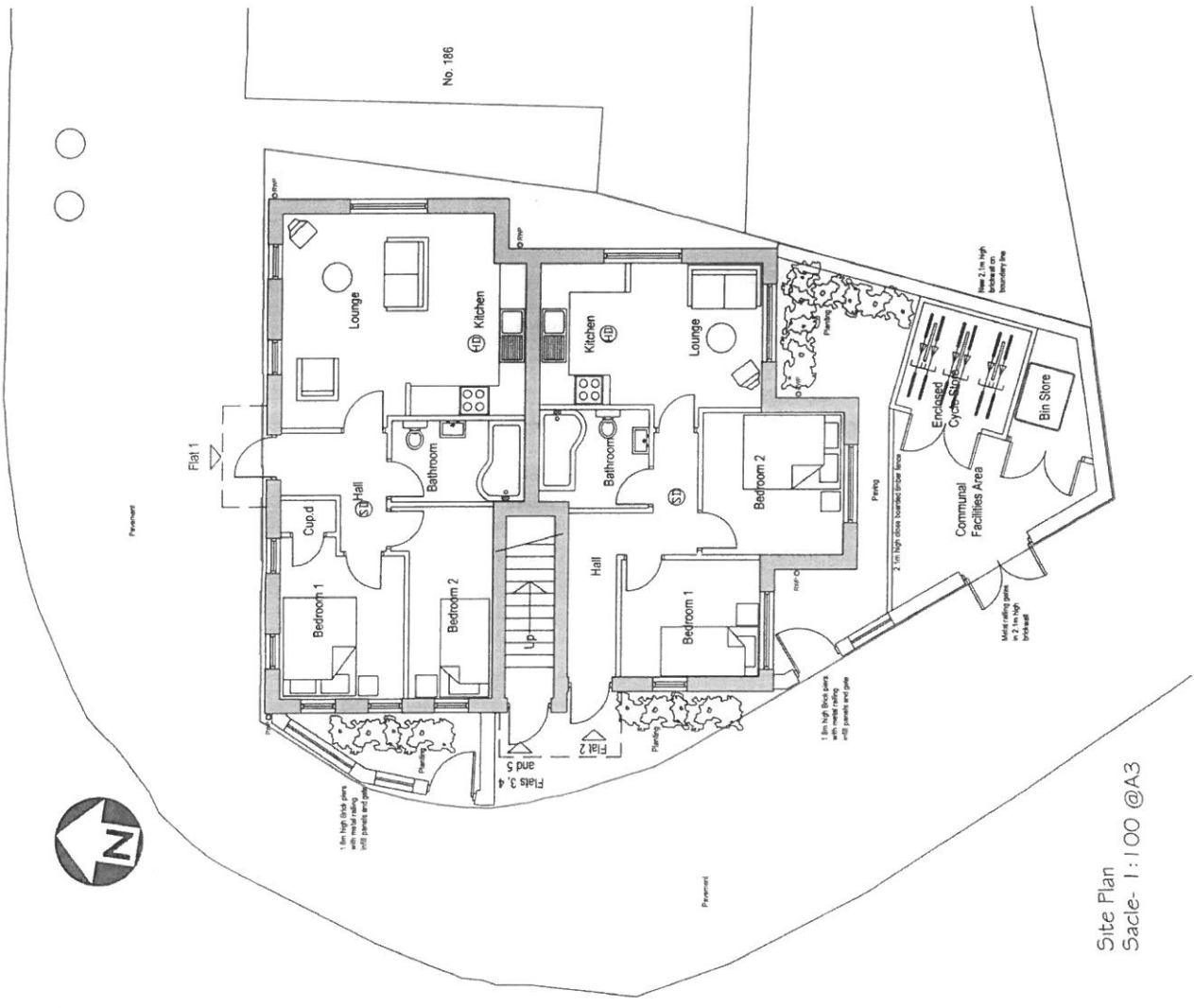
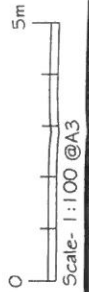
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Cycle Store Elevation B
Scale- 1:100 @A3



Communal Facilities Plan
Scale- 1:100 @A3

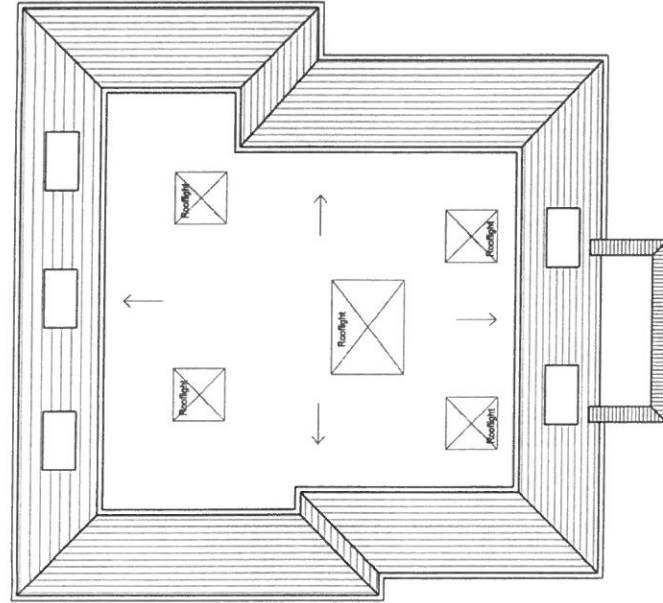


Site Plan
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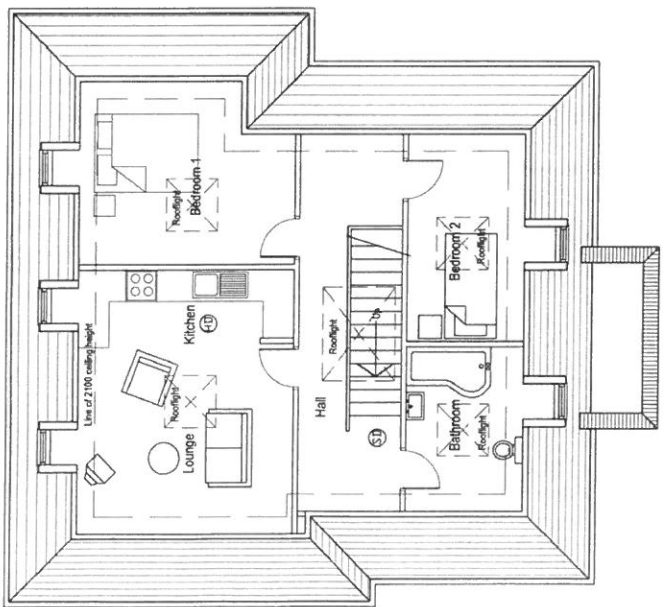
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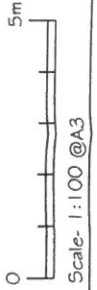


Roof Plan



Second Floor Plan

Area Schedule	
Ground Floor-	
Flat 1:	2bed 46sqm
Flat 2:	2 bed 41sqm
First Floor	
Flat 3:	2bed 45sqm
Flat 4:	1bed 35sqm
Second Floor	
Flat 5:	2bed 67sqm



PLANNING &
17 MAR 2010
SUSTAINABILITY
PLANNING &
29 MAR 2010

no	description	date	checked by

Project
182-184 Bitterne Road West
Southampton
Hampshire

Title
GA Second Floor and Roof Plans
Client
Moor Construction

Scale
1:100 @A3
Drawn by
TW
Checked by
date
11.03.10
date
job no
090616
drawing no
102

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PLANNING & SUSTAINABILITY PLANNING
 17 MAR 2010
 29 MAR 2010

no	description	date	checked by

project
 182-184 Bitterne Road West
 Southampton
 Hampshire

title
 GA Ground and First Floor Plans

client
 Moor Construction

Scale
 1:100 @A3

drawn by	checked by
TW	TW
date	date
11.03.10	11.03.10

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 090616

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 101

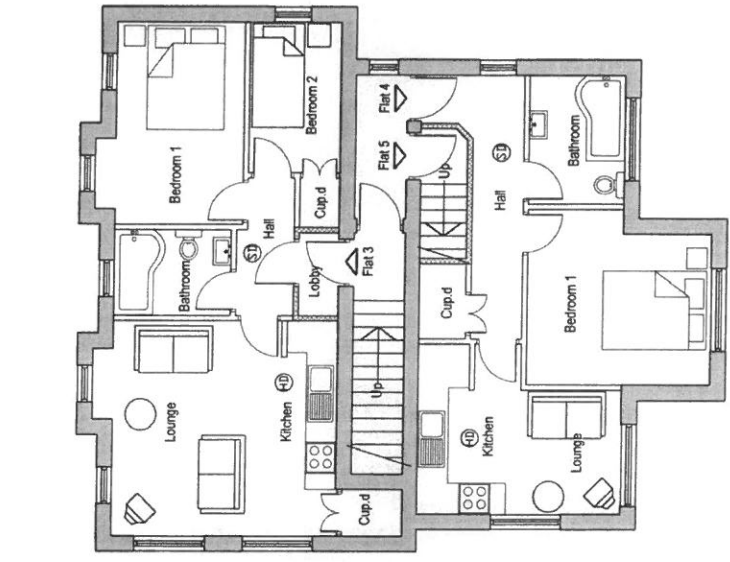
page
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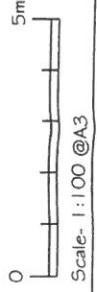
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First Floor Plan

Area Schedule	
Ground Floor-	
Flat 1: 2bed	46sqm
Flat 2: 2 bed	41 sqm
First Floor	
Flat 3: 2bed	45sqm
Flat 4: 1bed	35sqm
Second Floor	
Flat 5: 2bed	67sqm



PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 JULY 2018

Present: Councillors Savage (except Minute number 14) (Chair), Coombs (Vice-Chair), L Harris, Mitchell (except minute number 14), Murphy and Wilkinson

Apologies: Councillor Claisse

12. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 19 June 2018 be approved and signed as a correct record subject to the following amendments:

- Minute Number 8 to delete note that Councillor Claisse voted against the item
- Minute Number 9 to amend Councillor Savages vote to show he abstained from voting.

13. **PLANNING APPLICATION - 18/00358/FUL - 182-184 BITTERNE RD WEST**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building.

Peter Messer (local residents/ objecting), Gareth Jenkins (architect), and Councillor Keogh (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that 2 additional conditions would be required to be added to the application in relation to: external noise and vibration; and Residential - Permitted Development Restrictions as follows:

Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order the A1 retail unit hereby approved shall not be used for any residential purpose without the benefit of further planning permission.

Reason: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and the quality of the residential environment formed.

The officer also outlined the requirement for an amendment to Condition 23 as follows:

23. Boundary treatment, hardsurfacing, lighting & landscaping detailed plan
[Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. means of enclosure/boundary treatment; (which shall be retained as agreed in perpetuity).
- ii. hard surfacing materials;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) and boundary treatment for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved planting scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The approved hardsurfacing and boundary treatment shall be maintained in perpetuity.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the officer recommendation was lost with the use of the Chairs casting vote.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Wilkinson.

RECORDED VOTE to refuse planning permission

FOR: Councillors L Harris, Wilkinson and Savage

AGAINST: Councillors Coombes, Mitchell and Murphy

The motion was carried with the use of the Chair's casting vote.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. REFUSAL REASON - Design

Whilst the principle of a flatted redevelopment scheme is accepted, the proposed development of this prominent corner site is considered to respond poorly and fails to integrate with its local surroundings by reason of its cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage. Furthermore:-

- (a) The proposed building footprint and associated hard-standing and incorporation of raised balcony's results in an excessive site coverage that fails to respond to the spatial characteristics of the pattern and proportions of development along the Bitterne Road West frontage and within the local area.
- (b) The need to incorporate a flat roof form, due to the proposed proportions of the building, results in the design which is out keeping and character with the traditional ridged roof form of buildings in the surrounding area.
- (c) The limited available space, in combination with the footprint proposed, has led to a cramped form of development that lacks a convenient access to refuse, cycle storage and the retail parking space; and fails to provide adequate external residential amenity space that is fit for its intended purpose.

The points raised above are symptomatic of an overdevelopment.

In combination, these design issues result in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP1 (i) SDP7 (iii) (iv) (v) and SDP9 (i) (v) of the adopted City of Southampton Local Plan Review (March 2015) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2015) as supported by paragraphs 2.3.14, 3.9.1, 3.9.2, 3.9.5, 4.4.1 and 4.4.3 of the Council's approved Residential Design Guide SPD (2006).

2. REASON FOR REFUSAL – Incomplete Car Parking Survey

The car parking survey information provided is deemed to be insufficient and fails to satisfactorily demonstrate that the amount of parking provided will be sufficient to serve this mixed use development. In the absence of sufficient information to justify nil provision of car parking on site for residents potential localised overspill parking from the development has the potential to be detrimental to the amenity of existing neighbours; who are reliant on the street for parking and who would then face further competition for space and the possibility of parking further away from their homes. The development proposal is therefore contrary to approved Policy SDP1 (i) of the Amended Local Plan review (2015) and the requirements of the Council's Approved Parking Standards SPD (2011).

3. REASON FOR REFUSAL - Lack of Section 106 or unilateral undertaking to secure planning obligations.

In the absence of either a scheme of works, a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance

Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Councillor Coombs in the Chair

14. **PLANNING APPLICATION - 18/00765/FUL - 18 GROSVENOR ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).

Nick Jones (local resident objecting) and Councillors Mitchell and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this correspondence was from the applicant and did not raise any fresh issues to those set out in the report. The Panel noted a correction to the report in paragraph 4.7.1 that outlined the differences between the application that had been granted permission and the proposals set out in this application. The presenting officer set out an additional condition for the application, wording set out below, that would secure the mature trees on site.

6. Retention of trees (Performance Condition)

The two mature trees on the front boundary, 1x Purple Leaved Plum to the left of the driveway and 1x Robinia to the right of the driveway, shall be retained for the lifetime of the development hereby approved. For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, either during construction or thereafter shall be replaced by the site owners within 2 months with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority in writing prior to its planting. The replacement planting shall be maintained and retained thereafter.

Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

A further motion was then proposed by Councillor Coombs and seconded by Councillor Murphy that delegated authority be given to the Service Lead – Infrastructure Planning and Development to negotiate amended plans that would reduce the roof height to match that of the original planning permission and grant planning permission, or to refuse planning permission should the amended plans not be submitted within 1 month

for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice.

RECORDED VOTE to delegate planning permission

FOR: Councillors Coombs and Murphy

AGAINST: Councillors L Harris and Wilkinson

The recommendation was carried on the use of the Chair's second and casting vote.

RESOLVED that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure Planning and Development to negotiate amended plans to reduce the roof height to match that of the original planning permission 15/01644/FUL (4.57m), whilst retaining the proposed/as built footprint, and issue subsequent conditional approval.
- (ii) Delegated authority to the Service Lead – Infrastructure Planning and Development to refuse the application, should the amended plans not be submitted within 1 month, for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice

NOTE: that Councillors Mitchell and Savage withdrew from the Panel to represent their Ward in this matter.

Chair

31 July 2018

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 10 JULY 2018

Present: Councillors Savage (except Minute number 14) (Chair), Coombs (Vice-Chair), L Harris, Mitchell (except minute number 14), Murphy and Wilkinson

Apologies: Councillor Claisse

12. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 19 June 2018 be approved and signed as a correct record subject to the following amendments:

- Minute Number 8 to delete note that Councillor Claisse voted against the item
- Minute Number 9 to amend Councillor Savages vote to show he abstained from voting.

13. **PLANNING APPLICATION - 18/00358/FUL - 182-184 BITTERNE RD WEST**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erection of a three storey building to provide a ground floor retail unit and two x two bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building.

Peter Messer (local residents/ objecting), Gareth Jenkins (architect), and Councillor Keogh (ward councillors/objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that 2 additional conditions would be required to be added to the application in relation to: external noise and vibration; and Residential - Permitted Development Restrictions as follows:

Noise & Vibration (external noise sources) (Pre-Commencement)

Prior to the commencement of the development hereby approved, a scheme of measures to protect the occupiers of the development from external noise and vibration sources, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented as approved before the development first comes into occupation and thereafter retained as approved.

Reason: To protect the occupiers of the development from excessive external noise.

Residential - Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order amending, revoking or re-enacting that Order the A1 retail unit hereby approved shall not be used for any residential purpose without the benefit of further planning permission.

Reason: For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development in the interests of the amenities of the area and the quality of the residential environment formed.

The officer also outlined the requirement for an amendment to Condition 23 as follows:

23. Boundary treatment, hardsurfacing, lighting & landscaping detailed plan
[Pre-Commencement Condition]

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. means of enclosure/boundary treatment; (which shall be retained as agreed in perpetuity).
- ii. hard surfacing materials;
- iii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- v. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) and boundary treatment for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved planting scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

The approved hardsurfacing and boundary treatment shall be maintained in perpetuity.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the officer recommendation was lost with the use of the Chairs casting vote.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Wilkinson.

RECORDED VOTE to refuse planning permission

FOR: Councillors L Harris, Wilkinson and Savage

AGAINST: Councillors Coombes, Mitchell and Murphy

The motion was carried with the use of the Chair's casting vote.

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal

1. REFUSAL REASON - Design

Whilst the principle of a flatted redevelopment scheme is accepted, the proposed development of this prominent corner site is considered to respond poorly and fails to integrate with its local surroundings by reason of its cramped design, its relationship with the existing pattern of development along Bitterne Road West and excessive site coverage. Furthermore:-

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The points raised above are symptomatic of an overdevelopment.

In combination, these design issues result in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP1 (i) SDP7 (iii) (iv) (v) and SDP9 (i) (v) of the adopted City of Southampton Local Plan Review (March 2015) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2015) as supported by paragraphs 2.3.14, 3.9.1, 3.9.2, 3.9.5, 4.4.1 and 4.4.3 of the Council's approved Residential Design Guide SPD (2006).

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In the absence of either a scheme of works, a completed Section 106 legal agreement or unilateral undertaking to support the development the application fails to mitigate against its wider direct impact with regards to the additional pressure that further residential development will place upon the Special Protection Areas of the Solent Coastline. Failure to secure mitigation towards the 'Solent Disturbance

Mitigation Project' in order to mitigate the adverse impact of new residential development (within 5.6km of the Solent coastline) on internationally protected birds and habitat is contrary to Policy CS22 of the Council's adopted LDF Core Strategy as supported by the Habitats Regulations.

Councillor Coombs in the Chair

14. **PLANNING APPLICATION - 18/00765/FUL - 18 GROSVENOR ROAD**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Erection of detached garage building with workshop at first floor level for use in association with the dwelling house known as 18 Grosvenor Road (part retrospective).

Nick Jones (local resident objecting) and Councillors Mitchell and Savage (ward councillors objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that since the publication of the report additional correspondence had been received. It was noted that this correspondence was from the applicant and did not raise any fresh issues to those set out in the report. The Panel noted a correction to the report in paragraph 4.7.1 that outlined the differences between the application that had been granted permission and the proposals set out in this application. The presenting officer set out an additional condition for the application, wording set out below, that would secure the mature trees on site.

6. Retention of trees (Performance Condition)

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Reason:

To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area and further mitigate the development's impact.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was lost.

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for being out of character due to the excessive height and instruct the Enforcement team to issue an Enforcement Notice.

RECORDED VOTE to delegate planning permission
FOR: Councillors Coombs and Murphy
AGAINST: Councillors L Harris and Wilkinson

The recommendation was carried on the use of the Chair's second and casting vote.

RESOLVED that the Panel:

- (i) Delegated authority to the Service Lead – Infrastructure Planning and Development to negotiate amended plans to reduce the roof height to match that of the original planning permission 15/01644/FUL (4.57m), whilst retaining the proposed/as built footprint, and issue subsequent conditional approval.
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NOTE: that Councillors Mitchell and Savage withdrew from the Panel to represent their Ward in this matter.

Chair

31 July 2018

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Appeal Decision

Site visit made on 15 July 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/D1780/W/19/3220123

182-184 Bitterne Road West, Southampton SO18 1BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Jones (A Head of Time Estates Ltd) against the decision of Southampton City Council.
 - The application Ref 18/00358/FUL, dated 26 February 2018, was refused by notice dated 12 July 2018.
 - The development proposed is the erection of a 3 storey building to provide a ground floor retail unit and 2x2 bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Reason for refusal No 2 on the Council's Decision Notice referred to parking, with there being an incomplete car parking survey. The appellant has acknowledged this and submitted more information with this appeal. On this basis, the Council has withdrawn their reason for refusal on this matter and is therefore not a main issue that I will assess further.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on protected habitats that are part of the Special Protection Areas of the Solent.

Reasons

Character and Appearance

4. The site is on the corner between Bitterne Road West and Athelstan Road. Currently, there is a small single storey former hairdresser building on the site. There is a gravel area to the side and a path to the rear. The building appears in a poor state of repair with the site not being actively used.

5. The site is within the city on the junction of two busy roads. There is a mixture of residential, commercial and retail in the area. Most buildings are two storey, often with traditional pitched roofs, although there is some variation to these aspects.
6. The proposal is for a two-storey building, but with a third storey in the roof void. There is proposed to be a retail unit to the ground floor, with two flats above. There is one parking space to the side of the unit, to serve the retail unit only.
7. The proposed building has a modern appearance, with a key feature being the curved front elevation, which responds to the corner plot location of the site and the bend in the highway to the front. There is also variety and articulation to the proposed elevations, which add interest to the proposed building's appearance. The use of the terraces would be in keeping with this design approach.
8. There is a significant amount of flat roof area to the top of the proposed building, although much of this would be not fully apparent due to the sloping sections of roof which extends down to the eaves. Although this may not be a traditional pitched roof approach, this is a modern style building and the roof proposed reflects this approach. Furthermore, the varied style and form of buildings in the area is such that the building design and its flat roof sections would not appear incongruous or detract from the character of the area.
9. The height as proposed, partly as a consequence of the flat roof sections, would be only modestly taller than adjacent pitched roof buildings. Furthermore, as a corner plot building in a prominent location a taller building is typical and often a suitable approach, and this is reflected in the Council's Residential Design Guide (2006). In this case, I am of the opinion that the height, scale and form of the proposed building is acceptable in this location.
10. The Residential Design Guide also states that the footprint of buildings and hardstanding should not exceed 50% of the site area. However, this is a relatively small and constrained site, which is in the middle of a high density urban area. To have a building and hardstanding covering no more than 50% of the site would result in a particularly small building. I regard it as reasonable, in these circumstances, to allow for a larger building on the site with some hardstanding. I recognise this would leave little space for soft landscaping which would be visible from the frontage, but this is not uncommon in this area with the neighbouring buildings along Bitterne Road West immediately fronting the public footway.
11. This is not a typical plot in terms of size and shape, even for this urban area of Southampton. Therefore, the plot coverage would not be harmful to the character of the area, whilst also providing a suitably efficient use of this plot.
12. I note that occupants would need to leave the building to access the bin store, but the arrangement is such that I would not consider this to be a particular issue or inconvenience. I do not regard this as a clear indication of the overdevelopment of the plot as proposed.
13. Overall, the proposed design and scale of the building would not be harmful to the character and appearance of the area. The proposal is therefore in accordance with saved policies SDP1, SDP7 and SDP9 of the adopted City of

Southampton Local Plan Review (March 2015), and policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2015). These policies seek to, amongst other things, require development to not adversely affect the amenity of the city; to respect the existing built environment; to be of a suitable scale; and make higher densities work. Furthermore, I do not regard the proposal as being contrary to the overall aims of the Residential Design Guide SPD (2006).

European Habitat Sites

14. The site is within 5.6km of the Solent coastline. As such, it is necessary for me to consider any significant effects that the development may have on the Special Protection Areas (SPAs) of the Solent Coastline. These designated sites are protected by the European Habitats Directive and, in turn, through domestic legislation in the Habitat Regulations. It is necessary that I firstly consider through a screening exercise whether the development would, alone or in combination with others, have a significant effect on the designated sites; and if so, secondly to undertake an "appropriate assessment" (AA).
15. It is not permissible to take account of measures intended to avoid or reduce the harmful effects of a project on a designated site at the screening stage, such as, for example, a financial contribution for the management of habitats.

Screening Exercise

16. The Solent coast is internationally important in providing mudflats, shingle and saltmarshes which are essential feeding and roosting habitats for overwintering birds. The area attracts 90,000 waders and more than 10% of the world's population of Brent Geese.
17. The Solent also attracts substantial numbers of recreational visits every year which has the potential, particularly through dog walking, to disturb the birdlife. Particular threats posed by such disturbance include birds being moved, thereby forgoing feeding time and needlessly expending energy as well as increasing competition for access to undisturbed food-rich areas. Migrating birds rely on these habitats to build up energy reserves to undertake their migratory journeys and to breed and a consequence of them not being able to do so would be a reduction in their overall population.
18. Additional pressures in this regard will arise as a result of new house building. Accordingly, I consider that occupation of the proposed development would be likely to increase recreational pressures on the SPAs and, either alone or in combination with other development in the area, would have a significant effect on them.
19. Furthermore, following Natural England's comments dated 27 August 2019, it is apparent that increased levels of waste water and that nutrient levels in the receiving waters of the Solent needs to be taken into consideration, with the aim of achieving nutrient neutrality from new development. There is uncertainty at the present time as to whether new residential development will further deteriorate the protected sites and Natural England indicate that one way to address this uncertainty is for new development to achieve nutrient neutrality. Natural England is working with other bodies to progress mitigation strategies that cover the areas, and this may include strategic options and/or a financial contribution.

20. For these reasons, it is therefore necessary for an AA to be undertaken.

Appropriate Assessment

21. Having concluded that AA is necessary, it is permissible for me to have regard to any proposed avoidance or mitigation measures. Accordingly, I had had regard to Bird Aware Solent's Recreational Mitigation Strategy (SRMP). This document is described by the LPA as a Supplementary Planning Document.
22. The proposal would provide additional dwellings and so potentially draw more people into the area, in close proximity of the Solent. It is clear from the evidence provided that, as described above, increased recreational pressures would have an adverse impact to the ecological integrity of the Solent sites, when considered in combination with other new housing development in this city. As such, mitigation as set out within the SRMP would be necessary to address this impact as a result of the development.
23. Similarly, the additional development proposed would result in the potential for increased waste water which would have an adverse impact to the water environment of the Solent, such as high levels of nitrogen and phosphorus in with evidence of eutrophication at some designated sites. Natural England advise the need for nutrient neutrality from new developments.

Mitigation

24. The SRMP has been prepared by a partnership of local authorities and conservation bodies including Natural England and has been the subject of public consultation. It seeks to provide a strategic mechanism to secure mitigation, in perpetuity, for the additional disturbance to birds as a result of house building around the Solent.
25. Specific measures include: a team of rangers, site-specific visitor management and a delivery officer and monitoring to help adjust to mitigation measures as necessary.
26. New and enhanced strategic green spaces are funded directly through local authority and other forms of capital funding, whilst the remaining non-infrastructure costs are met through developer contributions.
27. The appellant has submitted an agreement pursuant to Section 111 of the Local Government Act 1972 to make a financial contribution as set out in the SRMP. I have also been provided with SRMP which sets out the justification for the payment levels and the overall strategy for mitigation. As the process of securing mitigation set out in the SPD has been drawn up in consultation with Natural England, I am satisfied that, theoretically, this mechanism could meet the necessary 'Strategic Access Management and Monitoring' (SAMM) requirements so as to avoid significant adverse effects on the European Sites.
28. With regards the SRMP, Natural England has stated that "Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s) and has no objection to this aspect of the application."
29. However, with regards the issue of waste water from new housing entering the Solent, there is no mitigation proposed that would satisfy me that the

development would not result in an increase of waste water that would adversely affect the Solent. I recognise that this is an issue raised since the decision made by the Council, but nonetheless as the 'competent authority' in this making of this appeal decision, it is incumbent on me to consider this matter. I also recognise that it is difficult for smaller developments to address this matter, with no mitigation strategy currently in place, to my knowledge. It is therefore not possible for me to conclude that the development would be nutrient neutral in its impacts. It is Natural England's advice to be as precautionary as possible when addressing uncertainty.

30. The last use was as a hairdresser, although this appears to have ceased some time ago with the building vacant at the time of the site visit. A hairdresser may have used a substantial amount of water, but I am not convinced this would be comparable or have a greater impact to nutrient neutrality in the Solent than the proposed development, which is a larger building including flats and a retail unit. The flats would also potentially bring more people to live in the area. As such, whilst this is not a major development in scale, it would likely have more of an impact when considering the nutrient issue. Therefore, mitigation would be required.
31. There is a planning history for this site, but this was prior to this matter being raised by Natural England. The proposal would result in one additional flat over that approved and so would likely have a greater impact than the extant consent. The situation has to be considered based on the most up-to-date information also.
32. It has been brought to my attention that with some authorities there may be an adjustment to CIL monies or other forms of contribution, but I am not aware of any suitable mechanism to be considered as mitigation available for this proposal in Southampton.
33. Having regard to the nature of the proposed development and the increased risk which would stem from the additional waste water as a result of the proposed use, I consider that in the absence of suitable mitigation measures the appeal scheme would present likely significant effects on the Solent SPAs which, either alone or in combination with other plans and projects, could adversely affect the integrity of these protected sites.
34. No alternative solutions that would have a lesser effect, or avoid an adverse effect, have been provided. Therefore, the Habitats Regulations states the permission must not be granted, unless there are imperative reasons of overriding public interest. Given the scale of the proposal, I do not consider the provision of two dwellings and a single retail unit of the scale proposed would represent such an overriding public interest in this case.
35. For the above reasons, and following Appropriate Assessment, I find this proposal to be in conflict with policy CS22 of the Council's adopted Core Strategy which requires that development does not adversely affect the integrity of international habitat designations.

Conclusion

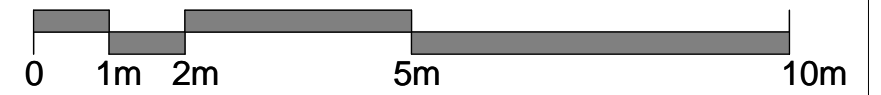
36. I have found that the proposal would not harm the character and appearance of the area. However, my findings in respect of European Sites are decisive in this case.
37. Therefore, the appeal is dismissed.

S. Rennie

INSPECTOR

Please do not scale from this drawing (except for planning purposes only); use figured dimensions only.
 Discrepancies are to be brought to the attention of Studio Four Architects Ltd.
 If in doubt, ask.

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K	GJ	bin holding area amended	27.02.19
J	GJ	flat entrance amended; bin holding area added	27.02.19
H	GJ	flat entrance door amended	27.02.19
G	GJ	bin store amended; vis splays added	01.02.19
F	KB	Ground floor retail entrance amended	05.12.18
E	GJ	parking amended	07.11.18
D	GJ	balcony amended	22.10.18
C	GJ	columns, render finish, window above residential entrance amended	29.08.18
B	KB	balcony, roof, render finish amended	28.08.18
A	KB	building set back to existing outline	16.08.18

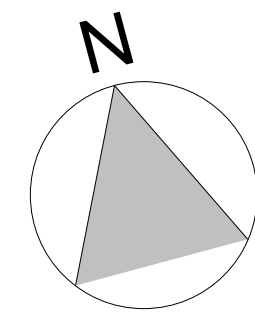
PLANNING



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client **A Head Of Time Estates Ltd**
 project **182-184 Bitterne Road West, Southampton**
 title **ground floor/site plan as proposed**

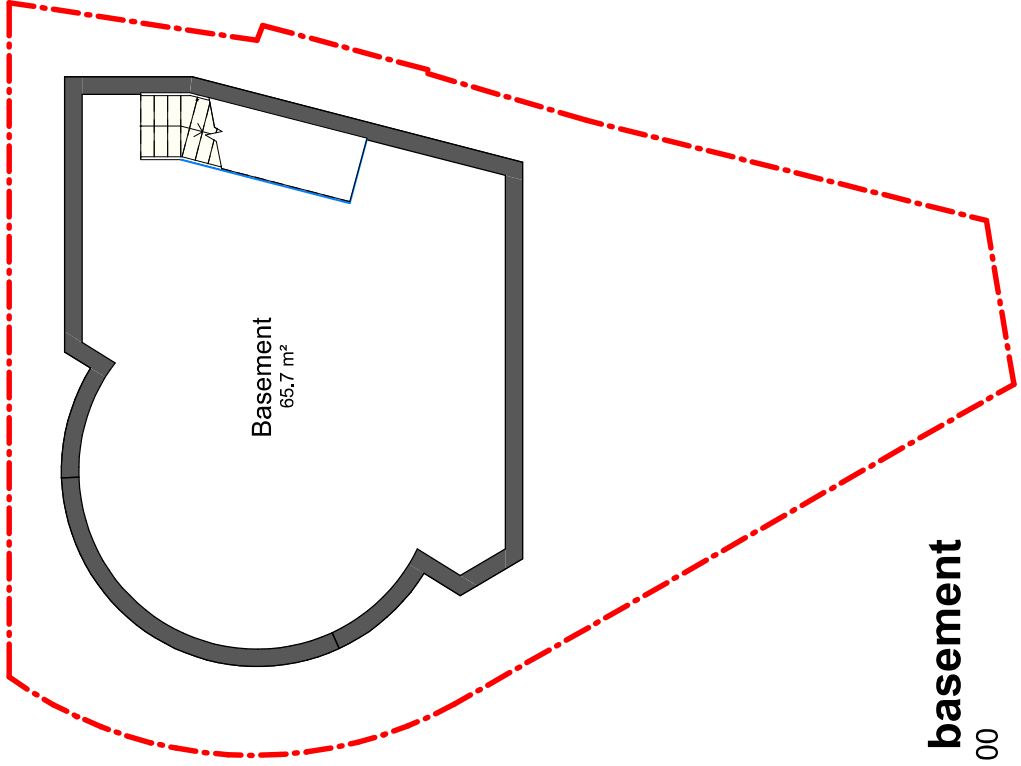
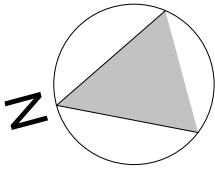
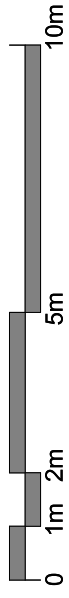
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22/07/16	1 : 100	A3	GJ	g
job no.	dwg. no.	rev. no.		
37009	21	K		



Agenda Item 5
Appendix 6

Please do not scale from this drawing (except for planning purposes only); use figured dimensions only. Discrepancies are to be brought to the attention of Studio Four Architects Ltd. If in doubt, ask.

1:100



-01 basement
1 : 100

- B KB building set back to existing outline 16.08.18
- A JD general update 29.08.17

PLANNING



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client A Head Of Time Estates Ltd

project 182-184 Bitterne Road West,
Southampton

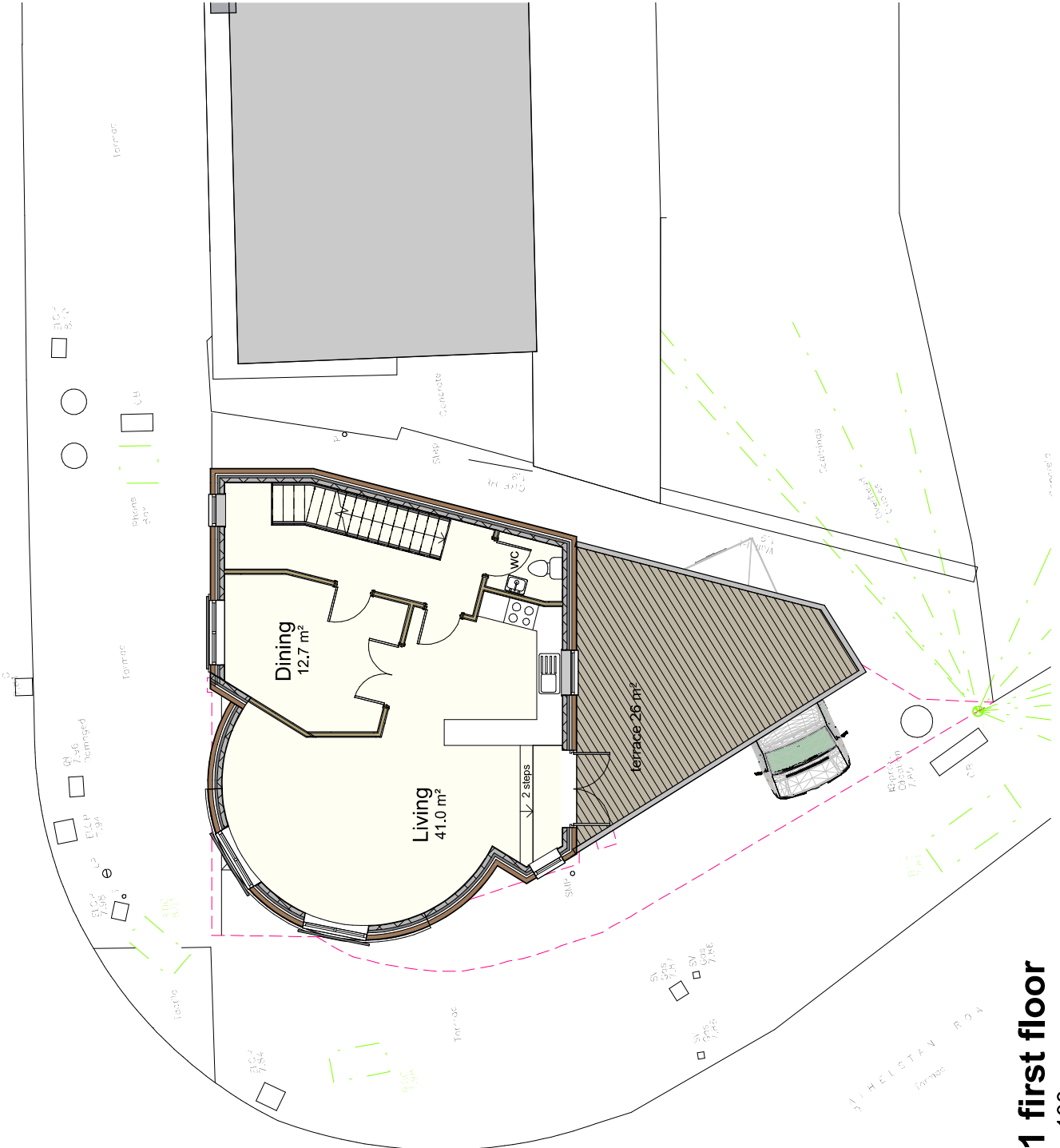
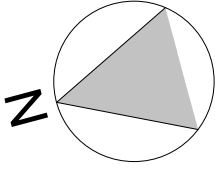
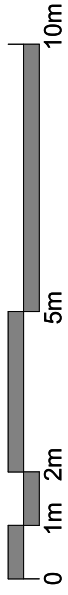
title basement floor plan

date 20/07/17 scale 1 : 100 paper A3 drawn GJ checked gj

job no. 37009 dwg. no. 24 rev. no. B

Please do not scale from this drawing (except for planning purposes only); use figured dimensions only. Discrepancies are to be brought to the attention of Studio Four Architects Ltd. If in doubt, ask.

1:100



- D GJ balcony amended 22.10.18
- C GJ second floor windows amended 15.10.18
- B GJ columns, render finish, window above residential entrance amended 29.08.18
- A KB building set back to existing outline 16.08.18

PLANNING



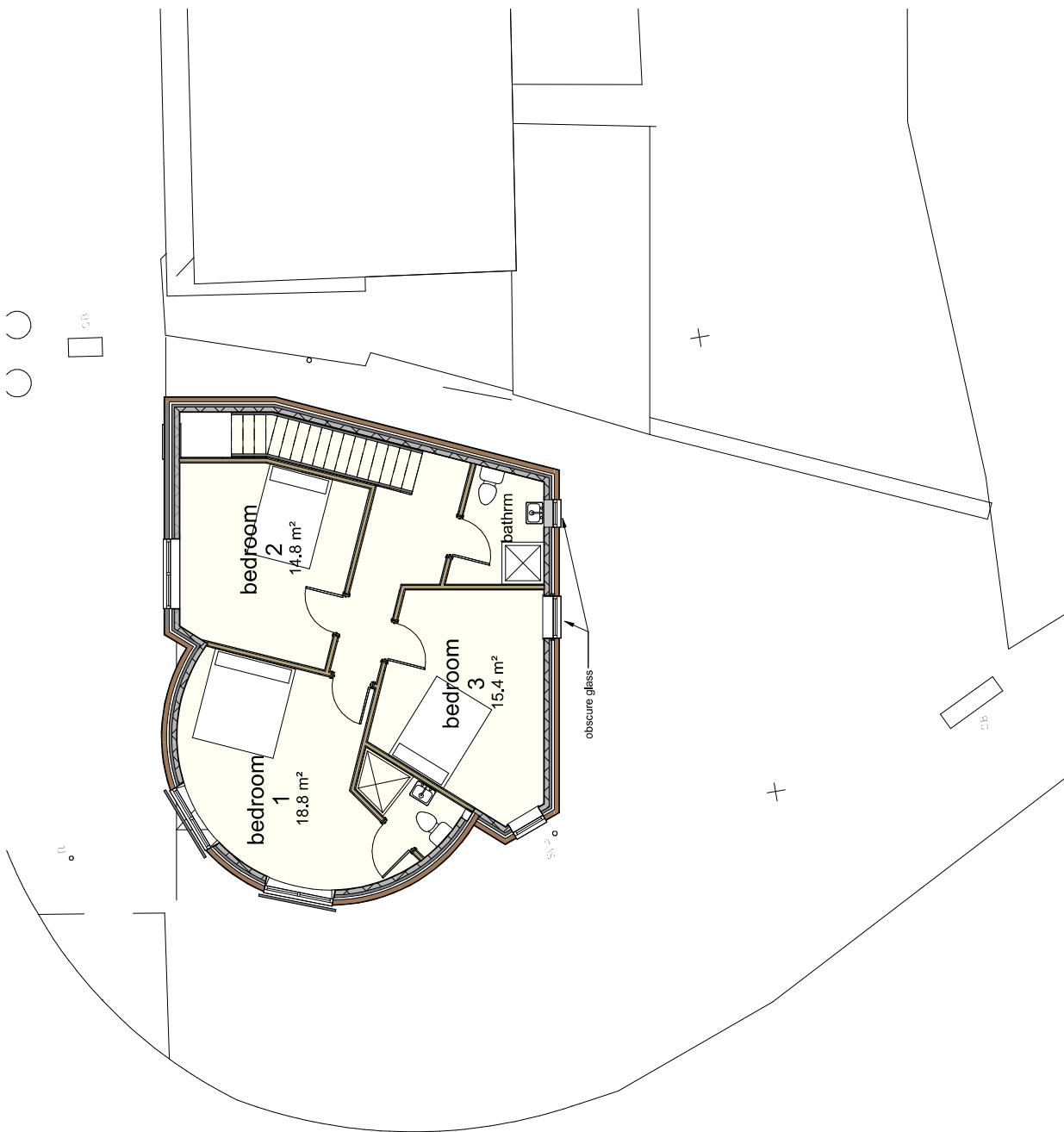
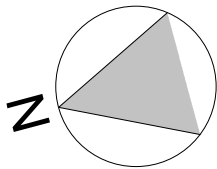
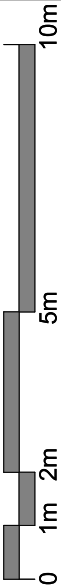
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client	A Head Of Time Estates Ltd
project	182-184 Bitterne Road West, Southampton
title	first floor plan as proposed
date	28/09/16
scale	1 : 100
paper	A3
drawn	GJ
checked	gj
job no.	37009
dwg. no.	22
rev. no.	D

01 first floor
 1 : 100

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1:100



- C obscure glazing indicated 16.10.18
- B KB balcony, roof, render finish amended 28.08.18
- A KB building set back to existing outline 16.08.18

PLANNING

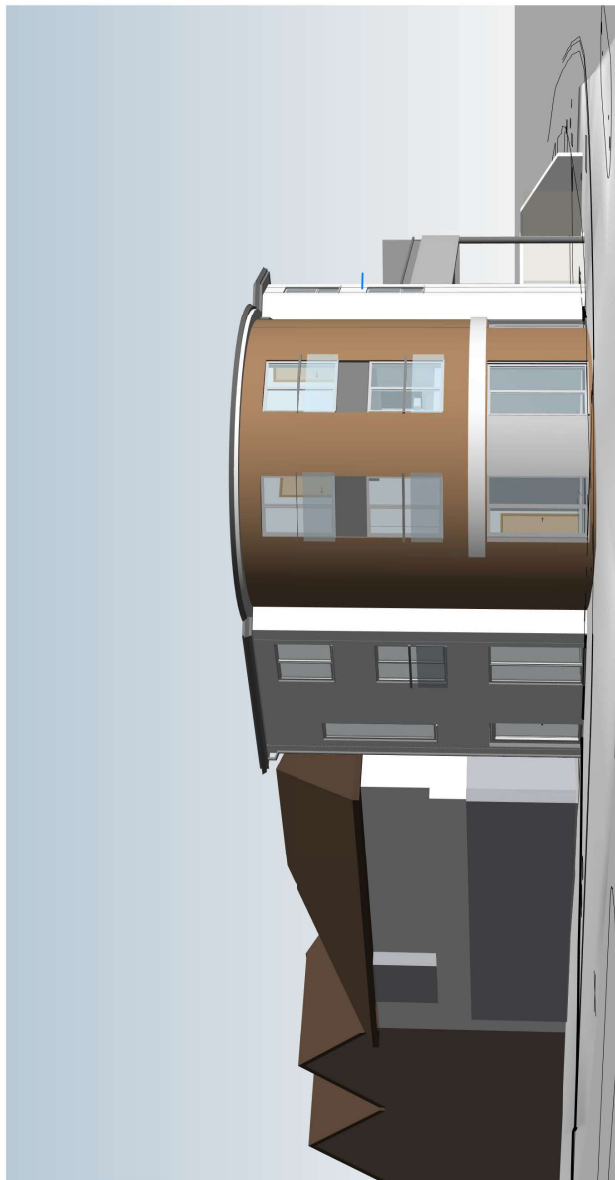


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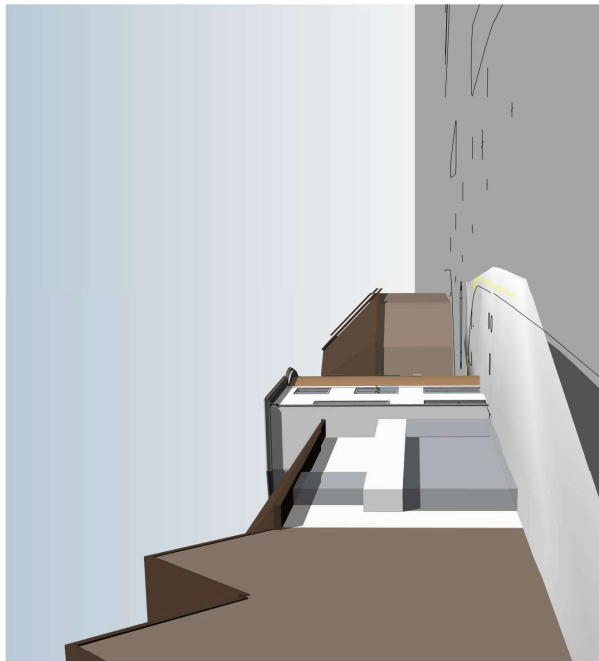
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project	182-184 Bitterne Road West, Southampton		
title	second floor plan as proposed		
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		drawn	GJ
		checked	gj
job no.	37009	dwg. no.	23
		rev. no.	C

02 second floor
 1 : 100

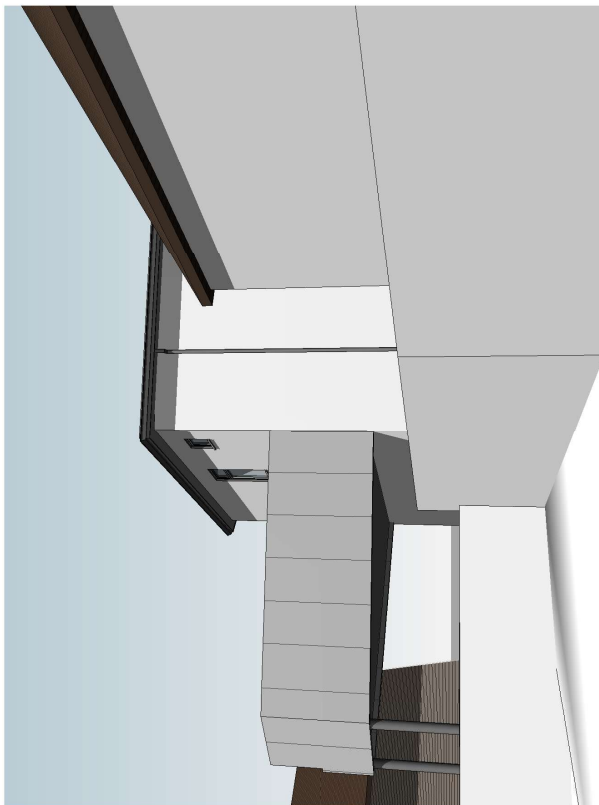
Please do not scale from this drawing (except for planning purposes only); use figured dimensions only. Discrepancies are to be brought to the attention of Studio Four Architects Ltd. If in doubt, ask.



view from across junction



looking down Lances Hill



view from behind adjacent takeaway

H	KB	Ground floor retail entrance amended	05.12.18
G	GJ	balcony amended	22.10.18
F	GJ	scheme redesign	09.10.18
E	KB	building set back to existing outline	16.08.18
D	JD	general update	29.08.17
C	GJ	general update following pre-app comments	27.04.17
B	GJ	updated for pre-app submission	20.02.17
A	GJ	general update	10.02.17

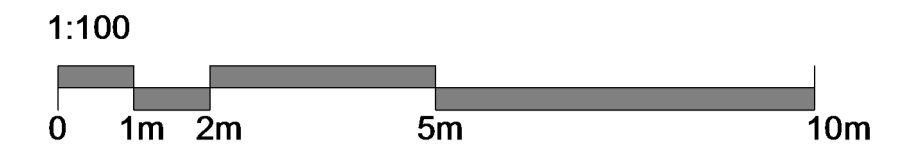
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client	A Head Of Time Estates Ltd
project	182-184 Bitterne Road West, Southampton
title	3D views
date	01/31/17
scale	A3
paper	GJ
drawn	GJ
checked	GJ

job no.	37009	dwg. no.	27	rev. no.	H
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no.186 Bitterne Road West Application site

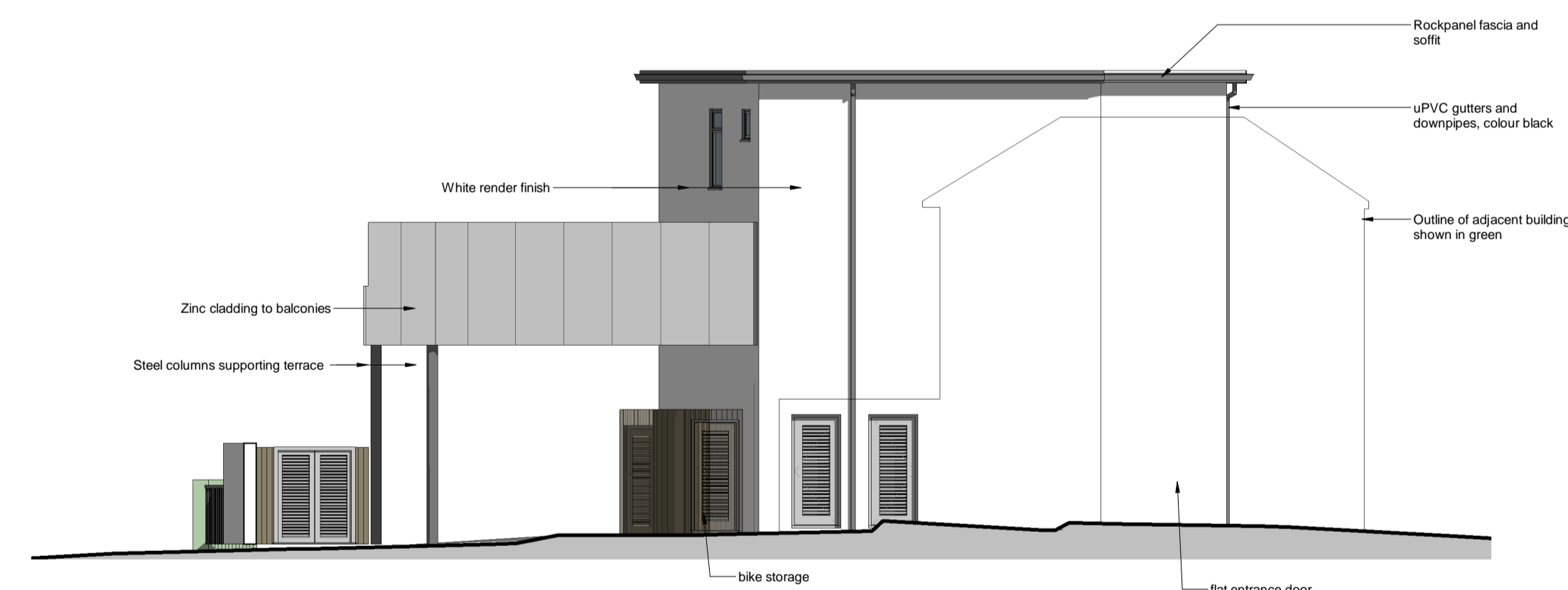
North (Bitterne Rd) elevation
1 : 100



West (Athelstan Road) elevation
1 : 100



South (rear) elevation
1 : 100



East elevation
1 : 100

L	GJ	bin holding area amended	27.02.19
K	GJ	flat entrance amended; bin holding area added	27.02.19
J	GJ	flat entrance door amended	27.02.19
H	GJ	balcony height dimensioned	14.12.18
G	KB	Ground floor retail entrance amended	05.12.18
F	GJ	balcony amended	22.10.18
E	GJ	obscure glazing indicated	16.10.18
D	GJ	second floor windows amended	15.10.18
C	GJ	columns, render finish, window above residential entrance amended	29.08.18
B	KB	balcony, roof, render finish amended	28.08.18
A	KB	building set back to existing outline	16.08.18

PLANNING



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client **A Head Of Time Estates Ltd**
 project **182-184 Bitterne Road West, Southampton**
 title **Elevations as Proposed**

date	scale	paper	drawn	checked
Aug 2017	1 : 100	A1	JD	GJ
job no.	dwg. no.	rev. no.		
37009	26	L		

PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 12 MARCH 2019

Present: Councillors Savage (Chair), Coombs (Vice-Chair), Claisse, L Harris, Mitchell, Murphy and Wilkinson

62. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 26 February 2019 be approved and signed as a correct record.

63. **MARHILL COPSE FELLING LICENCE AND APPLICATION FOR WORKS SUBJECT TO A TREE PRESERVATION ORDER.**

The Panel considered the report of the Service Director - Transactions and Universal Services seeking:

- the Panels consideration in order to respond to the Forestry Commission in relation to the issuing of a felling licence to Southampton International Airport Limited for felling works at Marlhill Copse; and
- approval of content within tree work application 19/00006/TPO. The work detailed is required in order to carry out the work within the felling licence application.

Gareth Narbed (local resident objecting), Graham Linecar (Southampton Commons and Parks Protection Society) Steve Thurston (Applicant) and Councillor Fuller (Ward Councillor) were present and with the consent of the Chair, addressed the Panel.

The Panel noted that additional correspondence and information had been received including an ecologist report prepared for on behalf of objectors to the works. The Panel noted that the area known as 1D have been removed from the felling licence and that therefore the number of trees being requested to be felled was now 20.

It was explained that the main felling works subject of the proposed felling licence were part of the Airport's obstacle management strategy to remove obstructions. Officers explained that the TPO works were required in order to facilitate the main felling works. Officers advised that in the light of the correspondence and additional information received, officers had amended the recommendation, as set out below, to ensure that the Council was actively involved in the Copse's management plan. In addition the officers recommended that nursery class trees be planted along the rear of the properties and that there is an appropriate scheme of ecological mitigation.

On being put to the vote the office's amended recommendation was carried.

RECORDED VOTE:

FOR Councillors Savage, Coombs, Claisse, L Harris, Mitchell and Wilkinson

AGAINST: Councillor Murphy

RESOLVED that

- (i) To grant consent to the work as detailed within tree work application 19/00006/TPO for facilitation work at Marlhill Copse with a condition attached for a replacement tree and that it only be completed once a felling licence is received.
- (ii) To offer no objection to the Forestry Commission over the issuing of a felling licence for Southampton Airport to carry out the works at Marlhill Copse. Subject to the request that the following recommendations are applied:
 - a. The approval comes with an undertaking that the Marlhill Copse Woodland Management Plan be incorporated within any permission and that the Council be fully involved with the Plan.
 - b. Nursery standard trees be planted along the rear of the properties on a one for one basis for the felling of the 20 trees in the application. This is in addition to the 3 for 1 whip planting.
 - c. An appropriate scheme of ecological mitigation, based upon a preliminary ecological appraisal and any recommended phase two species specific surveys, is submitted to the local planning authority for approval prior to works, including site preparation, taking place.

64. **FACILITATION OF PHASE 1 OF SCN10 – A3024 BURSLEDON ROAD**

The Panel considered the report of the Service Director - Transactions and Universal Services seeking approval for the removal of Council owned trees to facilitate Phase 1 of SCN10 – A3024 Bursledon Road, and to replant with two trees for every one removed.

Lindsi Bluemel (local resident objector) was present and with the consent of the Chair, addressed the meeting.

The presenting officer explained that the report sought permission to remove an number of trees and that the Upon being put to the vote the Officer's recommendation was carried unanimously.

RESOLVED that

- (i) Remove approximately nine sycamore, two ash, two Scots pine and one willow.
- (ii) To replant two trees for every one removed.

65. **PLANNING APPLICATION - 18/02272/FUL - 182-184 BITTERNE ROAD WEST**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Erect three storey building (with basement) to provide replacement commercial space at basement/ground floor, either within Class A1 or dental surgery only within Class D1, with 1 No. three bedroom maisonette over, either within Class C3 or Class C4. Associated single vehicle servicing bay accessed from new dropped kerb to Athelstan Road. Integral bicycle parking and refuse storage, following demolition of existing retail premises (Resubmission of planning application 18/00358/FUL).

Linda Long, Peter Messer and Jon Searle (local residents objecting), Steve Lawrence (agent), and Councillor Keogh (ward councillor objecting) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that 1 additional letter of support for the application had been received.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment. The Panel then considered the recommendation to delegate authority to the Service Lead: Planning, Infrastructure and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (i) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
- (ii) delegated authority to service Lead Infrastructure, Planning and Development to grant conditional approval subject to no fresh planning related issues being received in connection with the updated car parking survey by Wednesday 13th March 2019
- (iii) That the Service Lead – Infrastructure, Planning and Development be given delegated powers to add, vary and /or conditions as necessary

66. **PLANNING APPLICATION - 18/02228/FUL - PARKER HOUSE, CENTENARY QUAY**

The Panel considered the report of the Service Lead, Planning, Infrastructure and Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Proposed change of use of part of the building from D2 Leisure Use to B8 Storage and the creation of mezzanine floor space.

Jim Bevan (agent) was present and with the consent of the Chair, addressed the meeting.

The Panel then considered the recommendation to grant conditional planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report

67. **QUARTERLY DEVELOPMENT MANAGEMENT FIGURES**

The Panel considered and noted the report of the Service Lead - Infrastructure, Planning and Development detailing the Planning Department's performance against key planning metrics.

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Application 21/00412/FUL

Appendix 8

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent Marine Sites New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes,	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

Applicant should have provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance and release of additional nitrogen and phosphorous, via waste water, which could affect the features of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site; and in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable

resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Water Quality

In their letter date 6th September 2018, Natural England highlighted concerns regarding, “high levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites.”

Eutrophication is the process by which excess nutrients are added to a water body leading to rapid plant growth. In the case of the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site the problem is predominately excess nitrogen arising from farming activity, waste water treatment works discharges and urban run-off.

Features of Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site that are vulnerable to increases in nitrogen levels are coastal grazing marsh, inter-tidal mud and seagrass.

Evidence of eutrophication impacting the Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site has come from the Environment Agency data covering estimates of river flow, river quality and also data on WwTW effluent flow and quality.

An Integrated Water Management Study for South Hampshire, commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities, examined the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty in some locations as to whether there will be enough capacity to accommodate new housing growth. There is uncertainty about the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and/or whether the upgrades to waste water treatment works will be enough to accommodate the quantity of new housing proposed. Considering this, Natural England have advised that a nitrogen budget is calculated for residential developments.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

Therefore, in order to deliver an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

Water Quality

A methodology provided by Natural England has been used to calculate a nutrient budget and the calculations conclude that there is a predicted Total Nitrogen surplus arising from the development of 2.8kg/TN/yr.

Due to the nature of the site, and the surrounding urban environment, there are no further mitigation options on site. The developer is therefore proposing to purchase nitrogen credits from a Natural England approved mitigation scheme run by Eastleigh Borough Council.

The mitigation will comprise of a financial contribution, to be made to Eastleigh Borough Council, of:

$$2.8 \times £3000 = £8400 + \text{VAT}$$

Payment of this money will be secured via a legal agreement.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton and to contribute towards implementation of the New Forest National Park Habitat Mitigation Scheme. The contribution will be split 4% and 1% respectively.

These improved facilities will provide alternative dog walking areas for new residents.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application, supported by contributions towards the SRMS and a nitrogen offsetting scheme secured by way of a legal agreement, complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city and help with implementation of the New Forest National Park Habitat Mitigation Scheme.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation

of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

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Project Name:	182 – 184 Bitterne Road West, Southampton
Document Reference:	020.0293/HTN/4
Document Name:	Highways Technical Note
Prepared By:	Shannon Betteridge (January 2021)
Checked By:	Mark Smith (January 2021)
Approved By:	Mark Smith (January 2021)

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1. INTRODUCTION

1.1 This Highways Technical Note (HTN) has been prepared by Paul Basham Associates to support the revised scheme at 182 – 184 Bitterne Road West, Southampton for which a previous application received planning approval in March 2019 for the *‘Erection of three storey building (with basement) to provide replacement commercial space at basement/ground floor, either within Class A1 or dental surgery only within Class D1, with 1 No. three bedroom maisonette over, either within Class C3 or Class C4. Associated single vehicle servicing bay accessed from new dropped kerb to Athelstan Road’* (application reference: 18/02272/FUL).

1.2 The site location is demonstrated in **Figure 1**, with the site layout included in **Appendix A**.

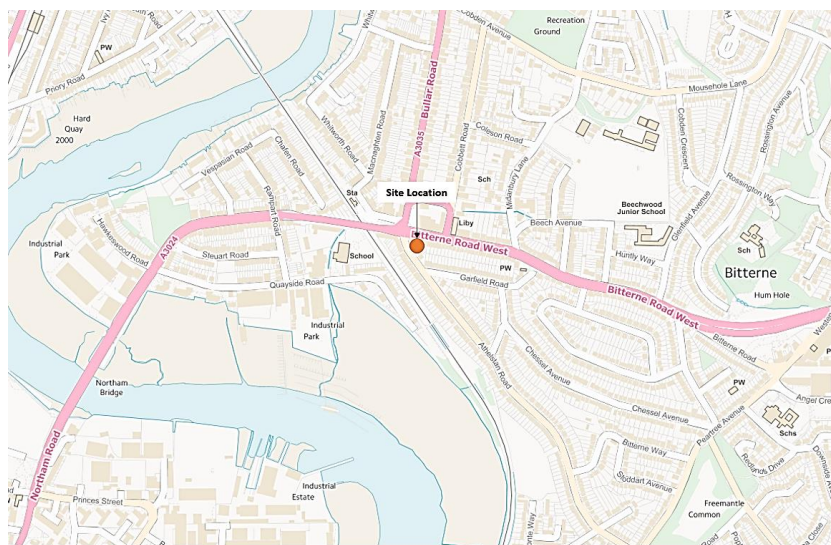


Figure 1: Site Location

- 1.3 This report will summarise the site planning history (including reference to the previously agreed parameters), detail the revised development proposals including accommodation schedule, staff number and car parking requirements, provide justification of the parking provision and provide a conclusion.

2. SITE HISTORY

2018 Application – 18/00358/FUL

- 2.1 The site has been subject to a number of planning applications over the past few years, with specific focus on two applications submitted in 2018.
- 2.2 In February 2018, a full application for the *'Erection of a 3-storey building to provide a ground floor retail unit and 2x2 bed flats on upper floors with associated parking and cycle/refuse storage, following demolition of existing building at 182-184 Bitterne Road West Southampton SO18 1BE'* (reference: 18/00358/FUL) was submitted and subsequently refused in July 2018.
- 2.3 The application was refused with the decision notice stating, *'The car parking survey information provided is deemed to be insufficient and fails to satisfactorily demonstrate that the amount of parking provided will be sufficient to serve this mixed-use development'*. As such, a revised application was prepared and submitted in December 2018.

2018 Application – 18/02272/FUL

- 2.4 The revised application for the *'Erection of three storey building (with basement) to provide replacement commercial space at basement/ground floor, either within Class A1 or dental surgery only within Class D1, with 1 No. three bedroom maisonette over, either within Class C3 or Class C4. Associated single vehicle servicing bay accessed from new dropped kerb to Athelstan Road'* (reference: 18/02272/FUL) was submitted in December 2018 and subsequently approved in March 2019.
- 2.5 A letter addressing highway safety matters at the proposed site was also prepared to support the 18/02272/FUL application, specifically in relation to the proposed access arrangements. The letter suitably demonstrated that a new dropped kerb access from Athelstan Road would result in a betterment to highway safety over the existing situation.

Proposed Application

- 2.6 Given that the proposed application seeks only to amend the final use of the site from commercial and residential to a solely residential scheme, elements of the previous applications previously agreed, such as site location/accessibility and the provision of the new dropped kerb access have not been reassessed further within this report. However, reference to the parking surveys completed has been used later in this report to justify the provision of car parking spaces on site.

3. DEVELOPMENT PROPOSALS

Accommodation Schedule

3.1 The proposed development seeks to ‘Construct part 3/part 4 storey building with roof terrace, for use as specialist supported accommodation within Class C2, with associated communal accommodation and staff office at ground floor level, bin store and parking, following demolition of the existing building’. The ground floor will comprise communal space, a lobby and staff/office facilities. The first and second floors will each contain 2no. flats with the third floor comprising 1no. flat. The proposed site/floor layouts are included in **Appendix A**.

Staffing

3.2 It is important to note that the occupants of the flats will be residents who have severe learning disabilities and therefore support staff will be on hand to provide assistance. Whilst the support staff will be on site at all times throughout the year, staff will not be resident at the site or sleep over, but rather a shift system will be in operation. There will be no more than 2 - 3 staff members on site at any one time. Additional occasional visits may be made by health workers and family visitors.

Car Parking Provision

Southampton City Council (SCC) Parking Requirements

3.3 Southampton’s Parking Standards Supplementary Planning Document (SPD) 2011 provides maximum standards for residential development. Whilst the standards set out within the guidance are not wholly representative to the proposed development given the nature of the residents, it gives an indication as to the maximum number of car parking spaces that would be required to serve 5 residential flats. The standards are set out within **Table 1**.

Residential Type	Maximum Provision
Bedsit/ 1 Bed	1 space per unit
Sheltered Accommodation	1 space per unit

Table 1: Residential Parking Standards

3.4 **Table 1** demonstrates that a maximum of 5 car parking spaces would be required to be provided on-site, if the proposed development were to cater for ‘typical’ residential uses.

- 3.5 A total of 2no. car parking spaces are proposed to be provided on site. This enables staff to park on-site, with a maximum of one staff member being required to park off-site. However, it should also be noted that information obtained from the client suggests that staff typically use public transport when travelling to these types of settings. Given that no residents are to own a vehicle and would not possess driving licences given their learning disabilities, this provision should be considered acceptable. Tracking of the car parking spaces has been undertaken and is included in **Appendix B**.
- 3.6 The nature of the site indicates that additional visitors will require access to the site, whether that relates to health care workers or family members. As such, the results of the previously submitted parking surveys (as part of application 18/02272/FUL) have been re-assessed in order to ensure there is adequate space on the local road network to accommodate any additional vehicles that may be associated with the site. This assessment is described further in **Section 4**.
- 3.7 Cycle parking will also be available on-site, with one cycle storage space (available for staff) located on the ground floor, as demonstrated on the ground floor layout included in **Appendix A**.

4. JUSTIFICATION OF PARKING PROVISION

- 4.1 As identified within **Section 3**, if the proposed development were to provide 'typical' residential development, a maximum of 5 car parking spaces would be required to serve the site. However, the nature of the residents occupying the flats limits the requirement for parking given that they will not have access to vehicles. As such, 2no. car parking spaces are provided on-site and anticipated to be used by staff.
- 4.2 The nature of the site indicates that additional visitors will require access to the site, whether that relates to health care workers or family members, and therefore consideration to the local road network and the capacity to absorb any extra vehicles associated with the scheme has been given.
- 4.3 As part of the previous applications for the site (specifically application 18/02272/FUL) parking surveys were carried out in accordance with both the Lambeth Methodology and tailored to incorporate SCC's requirements. Plans were submitted showing the extent of the survey area including roads that were discounted due to parking restrictions and Controlled Parking Zones (CPZ).
- 4.4 The surveys, which were undertaken on Sunday 3rd February and Tuesday 5th February 2019 at 22:00 hours, covered Athelstan Road, Garfield Road, Macnaghten Road (up to the junction with Whitworth Road), Bullar Road (for 250m from the junction with Bitterne Road West) and Corbett Road (up to the junction with Coleson Road).
- 4.5 Whilst the results of the surveys were considered acceptable for the previous application, they have been re-provided within this report for reference. The full outputs are attached to this report as **Appendix C**.

Sunday 3rd February 2019 @ 22:00

4.6 The Sunday evening survey results are summarised in **Table 2**.

Road	Location		TIME	Number of Spaces Available exc Disabled	Number of spaces occupied	Number of spaces empty
ATHELSTAN RD	Bitterne Rd W to Garfield Rd	West Side	22:00	0	0	0
	Bitterne Rd W to Garfield Rd	East Side	22:00	0	0	0
	Garfield Rd to southern extent	West Side	22:00	0	0	0
	Garfield Rd to southern extent	East Side	22:00	7	7	0
Garfield Rd	Athelstan Rd to eastern extent	North Side	22:00	8	8	0
	Athelstan Rd to eastern extent	South Side	22:00	12	10	2
A3024 W	Athelstan Rd to limit	North Side	22:00	0	0	0
	Athelstan Rd to limit	South Side	22:00	0	0	0
A3024 E	Athelstan Rd to Midanbury Lane	North Side	22:00	0	0	0
	Athelstan Rd to Midanbury Lane	South Side	22:00	0	0	0
Cobbett Rd	A3024 to A3035	North Side	22:00	0	0	0
	A3024 to A3035	South Side	22:00	0	0	0
	North eastern arm	West Side	22:00	0	0	0
	North eastern arm	East Side	22:00	7	7	0
Bullar Rd	A3024 to Cobbett Rd	West Side	22:00	0	0	0
	A3024 to Cobbett Rd	East Side	22:00	0	0	0
	Cobbett Rd to No.73	West Side	22:00	0	0	0
	Cobbett Rd to No.73	East Side	22:00	4	4	0
Macnaughten Rd	Bullar Rd southern arm	North Side	22:00	7	4	3
	Bullar Rd southern arm	South Side	22:00	12	9	3
	Southern arm to north of Whitworth Rd	NW Side	22:00	11	10	1
	Southern arm to north of Whitworth Rd	SE Side	22:00	14	14	0
Whitworth Rd	Macnaughten Rd to extent	NE Side	22:00	0	0	0
	Macnaughten Rd to extent	SW Side	22:00	14	14	0
TOTALS				96	87	9
OCCUPANCY LEVEL				90.6%		

Table 2: Sunday Evening Survey Summary

4.7 **Table 2** demonstrates that a total of 9 spaces were unoccupied during this survey period.

Tuesday 5th February 2019 @ 22:00

4.8 The Tuesday evening survey results are summarised in **Table 3**.

Road	Location		TIME	Number of Spaces Available exc Disabled	Number of spaces occupied	Number of spaces empty
ATHELSTAN RD	Bitterne Rd W to Garfield Rd	West Side	22:00	0	0	0
	Bitterne Rd W to Garfield Rd	East Side	22:00	0	0	0
	Garfield Rd to southern extent	West Side	22:00	0	0	0
	Garfield Rd to southern extent	East Side	22:00	7	7	0
Garfield Rd	Athelstan Rd to eastern extent	North Side	22:00	8	8	0
	Athelstan Rd to eastern extent	South Side	22:00	12	11	1
A3024 W	Athelstan Rd to limit	North Side	22:00	0	0	0
	Athelstan Rd to limit	South Side	22:00	0	0	0
A3024 E	Athelstan Rd to Midanbury Lane	North Side	22:00	0	0	0
	Athelstan Rd to Midanbury Lane	South Side	22:00	0	0	0
Cobbett Rd	A3024 to A3035	North Side	22:00	0	0	0
	A3024 to A3035	South Side	22:00	0	0	0
	North eastern arm	West Side	22:00	0	0	0
	North eastern arm	East Side	22:00	7	7	0
Bullar Rd	A3024 to Cobbett Rd	West Side	22:00	0	0	0
	A3024 to Cobbett Rd	East Side	22:00	0	0	0
	Cobbett Rd to No.73	West Side	22:00	0	0	0
	Cobbett Rd to No.73	East Side	22:00	4	4	0
Macnaughton Rd	Bullar Rd to bend	North Side	22:00	7	5	2
	Bullar Rd to bend	South Side	22:00	12	10	2
	Southern arm to north of Whitworth Rd	NW Side	22:00	11	10	1
	Southern arm to north of Whitworth Rd	SE Side	22:00	14	14	0
Whitworth Rd	Macnaughton Rd to extent	NE Side	22:00	0	0	0
	Macnaughton Rd to extent	SW Side	22:00	14	14	0
TOTALS				96	90	6
OCCUPANCY LEVEL				93.8%		

Table 3: Tuesday Evening Survey Summary

4.9 Table 3 demonstrates that a total of 6 spaces were unoccupied during this survey period.

Summary of Parking Surveys

4.10 The results of the two surveys undertaken in 2019 demonstrated that the roads within 250m of the development site had available capacity during peak hours, with a minimum capacity of 6 spaces available during the Tuesday evening survey and 9 spaces available during the Sunday evening survey.

4.11 Given that a minimum of 6 available car parking spaces were found to be located within a 250m radius of the site, it was demonstrated, and accepted, that the surrounding road network was able to accommodate a potential maximum demand of 5 vehicles. It is unlikely that the proposed development would generate the requirement for 5 off-site spaces at any one time.

- 4.12 It should also be noted that, in addition to the fact the proposed development would generate less visitors than the previously consented scheme, the surveys were undertaken during the evening when parking capacity is typically lower than during the day. It is unlikely that the proposed site will receive many visitors during the evening, with health visitors expected to attend during 'typical' daytime working hours.
- 4.13 Therefore, given that the local road network could accommodate a minimum of 6 additional vehicles during the peak parking periods, and that this was considered acceptable to enable permission to be granted for a dental surgery/retail unit which would generate more visitor movements than the proposed scheme, it is considered that the development proposals are suitable.

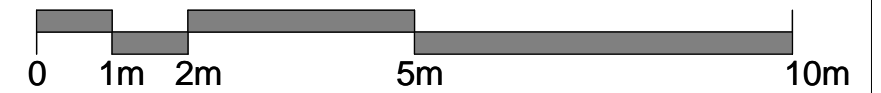
5. SUMMARY AND CONCLUSIONS

- 5.1 This Highways Technical Note has been prepared by Paul Basham Associates to support the revised scheme at 182 – 184 Bitterne Road West, Southampton to *‘Construct part 3/part 4 storey building with roof terrace, for use as specialist supported accommodation within Class C2, with associated communal accommodation and staff office at ground floor level, bin store and parking, following demolition of the existing building’*.
- 5.2 Consideration and reference to previous planning applications on-site has been provided, with the site accessed via the new dropped kerb arrangement submitted and approved as part of application 18/02272/FUL and justification to the use of the former parking surveys also presented.
- 5.3 The proposed development would provide 5 x 1-bedroom flats for which the occupants would be highly unlikely to own a vehicle given their learning disabilities. Two car parking spaces and one cycle storage space are proposed on-site to accommodate vehicle/cycle movements generated by the staff. A handful of vehicle movements may be generated by visitors to the site, specifically health workers or family members. As such, consideration to the capacity of the local road network to accommodate these vehicles has been given.
- 5.4 Parking surveys undertaken as part of application 18/02272/FUL identified between 6 – 9 spaces available. These were recorded during evening survey periods whereby the parking demand is at its highest. SCC accepted the previous application for a dental surgery/retail unit and residential accommodation which are arguably likely to generate more visitor movements than the proposed scheme. In addition, given the nature of the proposed development, the majority of visitors are anticipated to occur during the day when parking demand on the local road network is at its lowest.
- 5.5 We therefore encourage SCC to look favourably upon this development from a highway’s perspective.

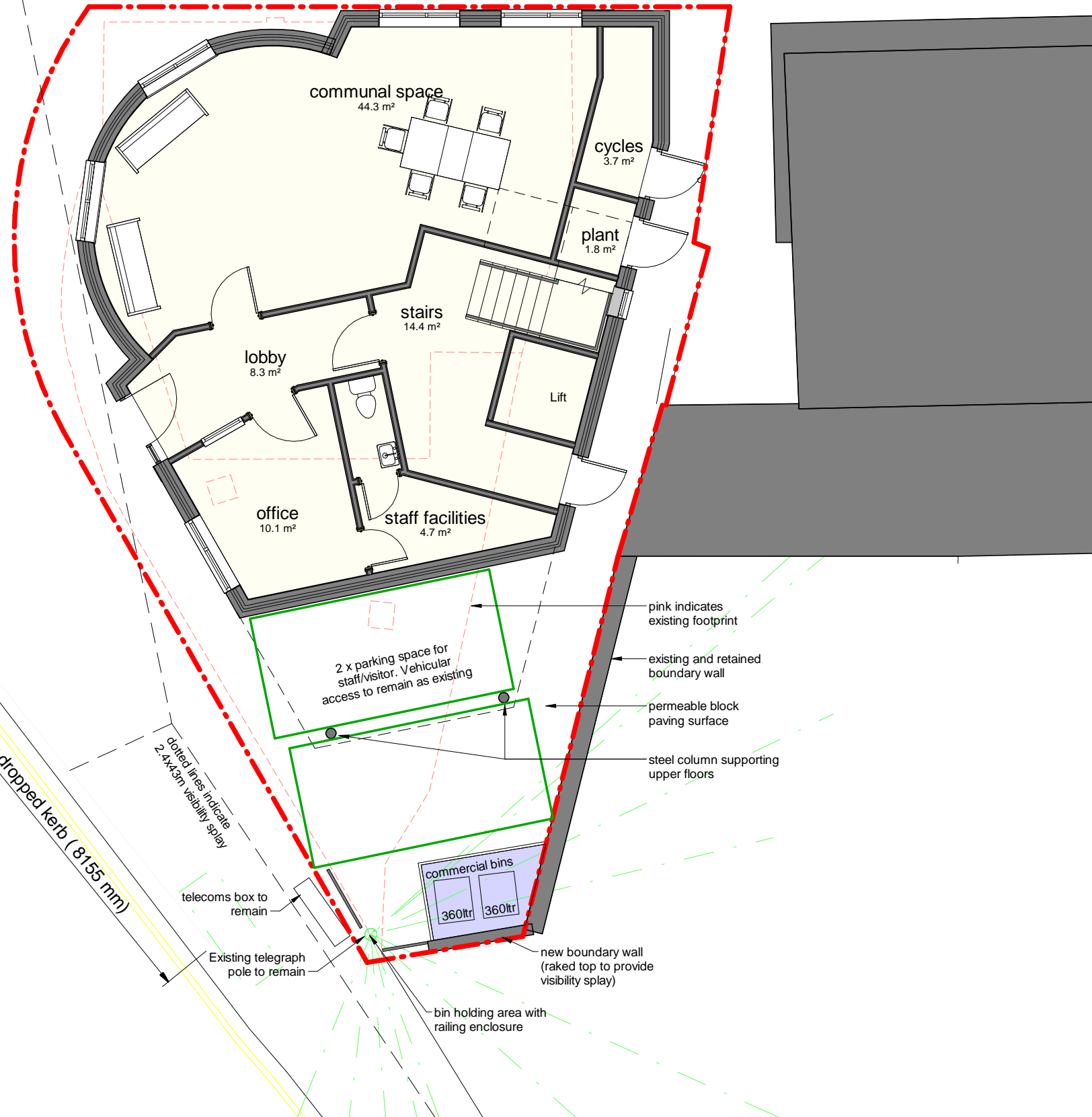
Appendix A

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Page 108



J	GJ	cycle storage indicated	26/01/21
H	GJ	plant room added	06/11/20
G	LJH	Footprint increased and plan updated	27/10/20
F	GJ	flat layouts amended to accessible	19/08/20
E	GJ	room areas added	31/07/20
D	GJ	office indicated	08/07/20
C	LJH	Line weight changes	25/06/20
B	LJH	Windows added	12.03.2020
A	LJH	Plan Rework	09.03.2020

PLANNING



1-3 Lyon Street, Southampton, Hampshire, SO14 0LD
 admin@studiofourarchitects-soton.co.uk
 t: 023 8022 8923 www.studiofourarchitects.com

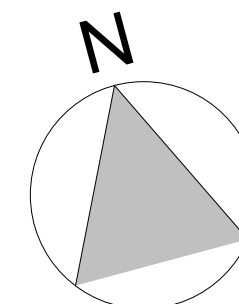
client **A Head Of Time Estates Ltd**

project **182-184 Bitterne Road West, Southampton: supported living**

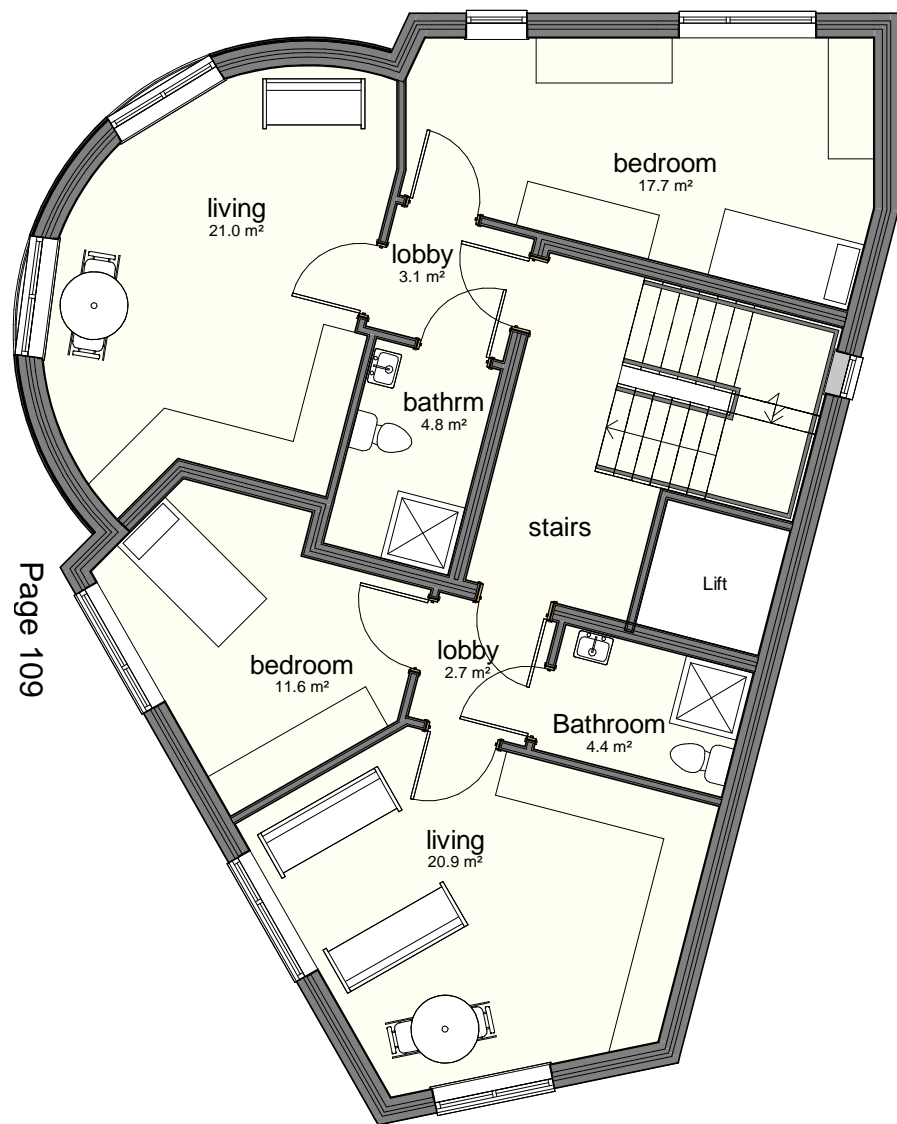
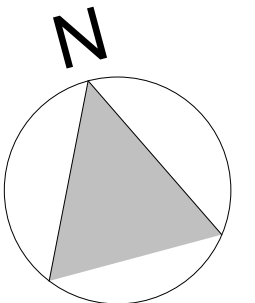
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date **27/02/2020** scale **1 : 100** paper **A3** drawn **LJH** checked **GJ**

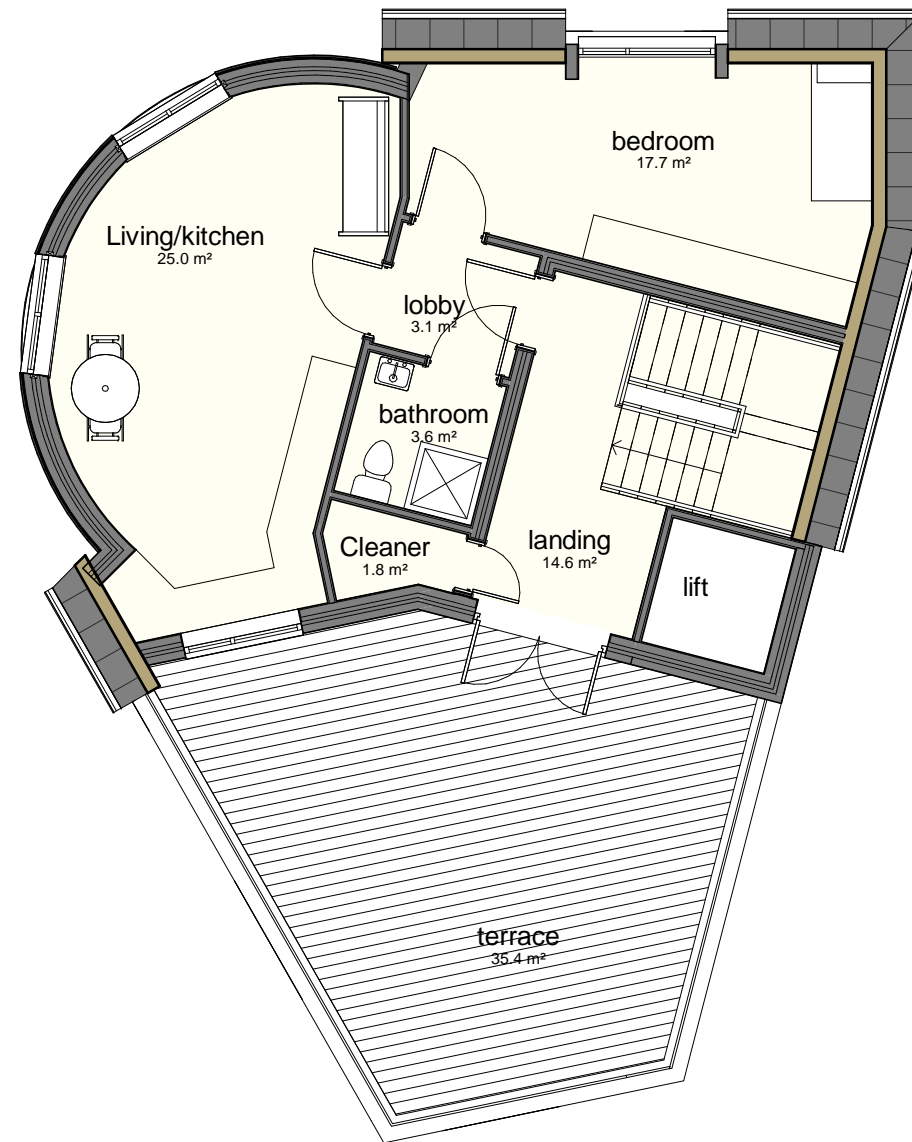
job no. **37009** dwg. no. **100** rev. no. **J**



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first/second floor
1 : 100



third floor
1 : 100

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H	LJH	Footprint increased and plan updated	27/10/20
G	GJ	flat layouts amended to accessible	19/08/20
F	GJ	terrace door amended	31/07/20
E	GJ	room areas added	31/07/20
D	GJ	general update	10/07/20
C	LJH	Line weight changes	25/06/20
B	LJH	Windows added	12.03.2020
A	LJH	Plan Rework	09.03.2020

PLANNING



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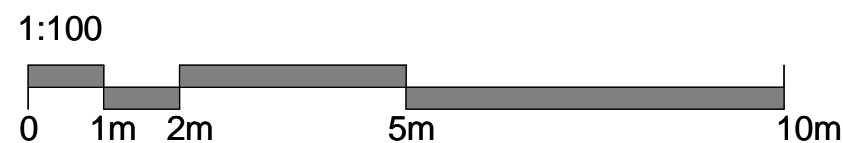
client **A Head Of Time Estates Ltd**

project **182-184 Bitterne Road West, Southampton: supported living**

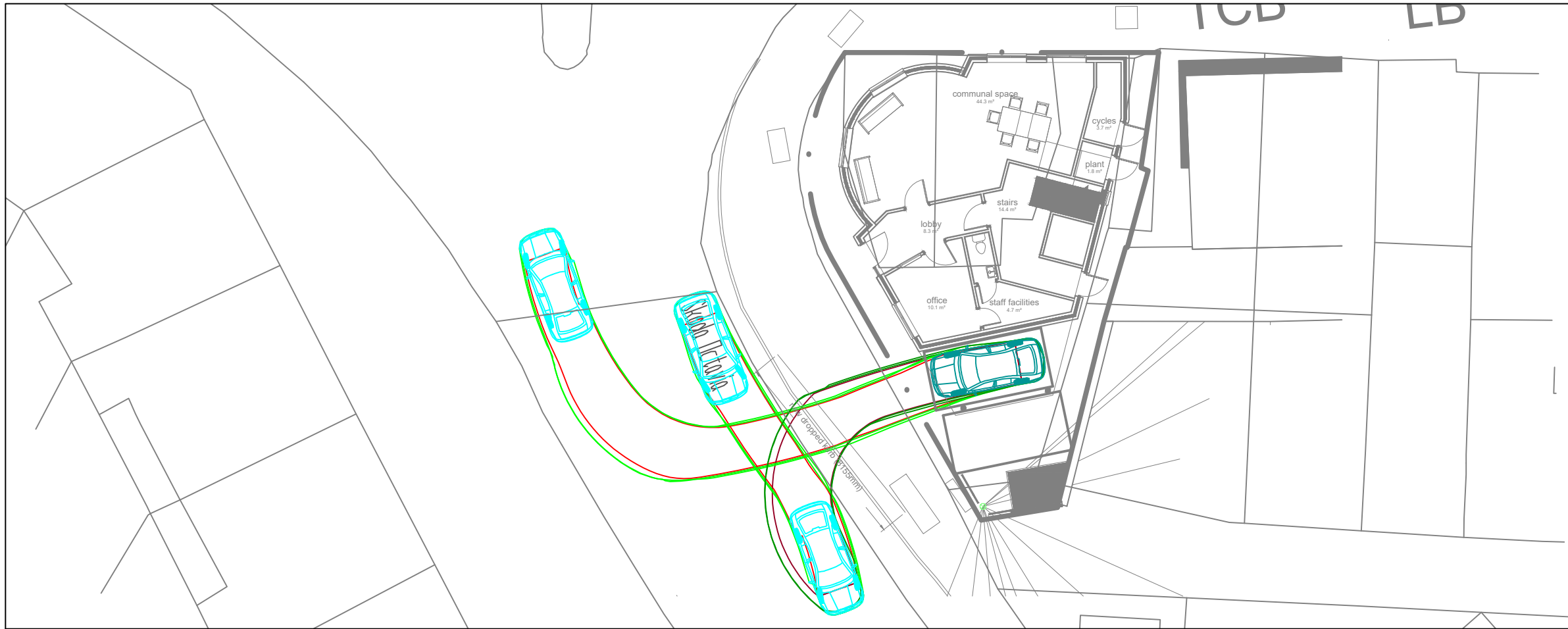
title **Proposed upper floor plans**

date	scale	paper	drawn	checked
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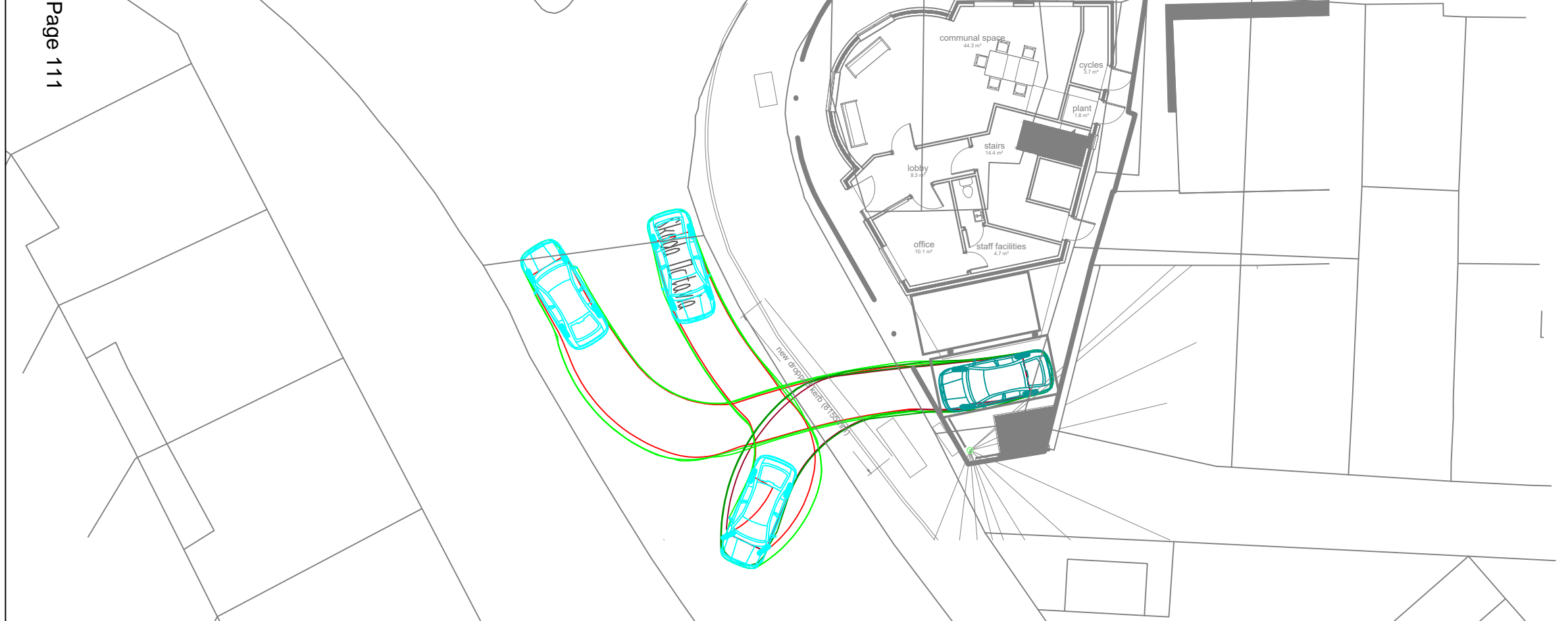
job no.	dwg. no.	rev. no.
37009	101	H



Appendix B



PARKING SPACE 1 TRACKING

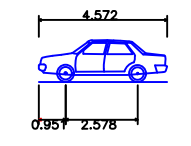


PARKING SPACE 2 TRACKING

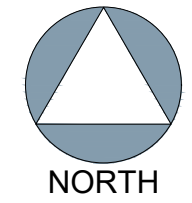
GENERAL NOTES

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2. ANY VARIATIONS OR DISCREPANCIES BETWEEN THESE DRAWINGS IN TERMS OF DIMENSIONS OR DETAILS SHOULD BE DRAWN TO THE ATTENTION OF THE ARCHITECT AND/OR THE ENGINEER FOR CLARIFICATION.
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CAR VEHICLE PROFILE



Skoda Octavia
 Overall Length 4.572m
 Overall Width 1.769m
 Overall Body Height 1.488m
 Min Body Ground Clearance 0.249m
 Max Track Width 1.713m
 Lock to lock time 4.00s
 Kerb to Kerb Turning Radius 5.100m



A	REVISED SITE LAYOUT	28.01.21	SB	MS
Rev	Description	Date	By	Chkd

Project Name
 182 - 184 BITTERNE ROAD WEST
 SOUTHAMPTON

Project Phase
 PRELIMINARY

Title
 CAR PARKING SPACE TRACKING



Client
 PRIVATE CLIENT

Checked By
 MS

Checked Date
 20.01.21

Drawn By
 SB

Drawn Date
 20.01.21

Scale
 1:200

Client Drawing No.
 -

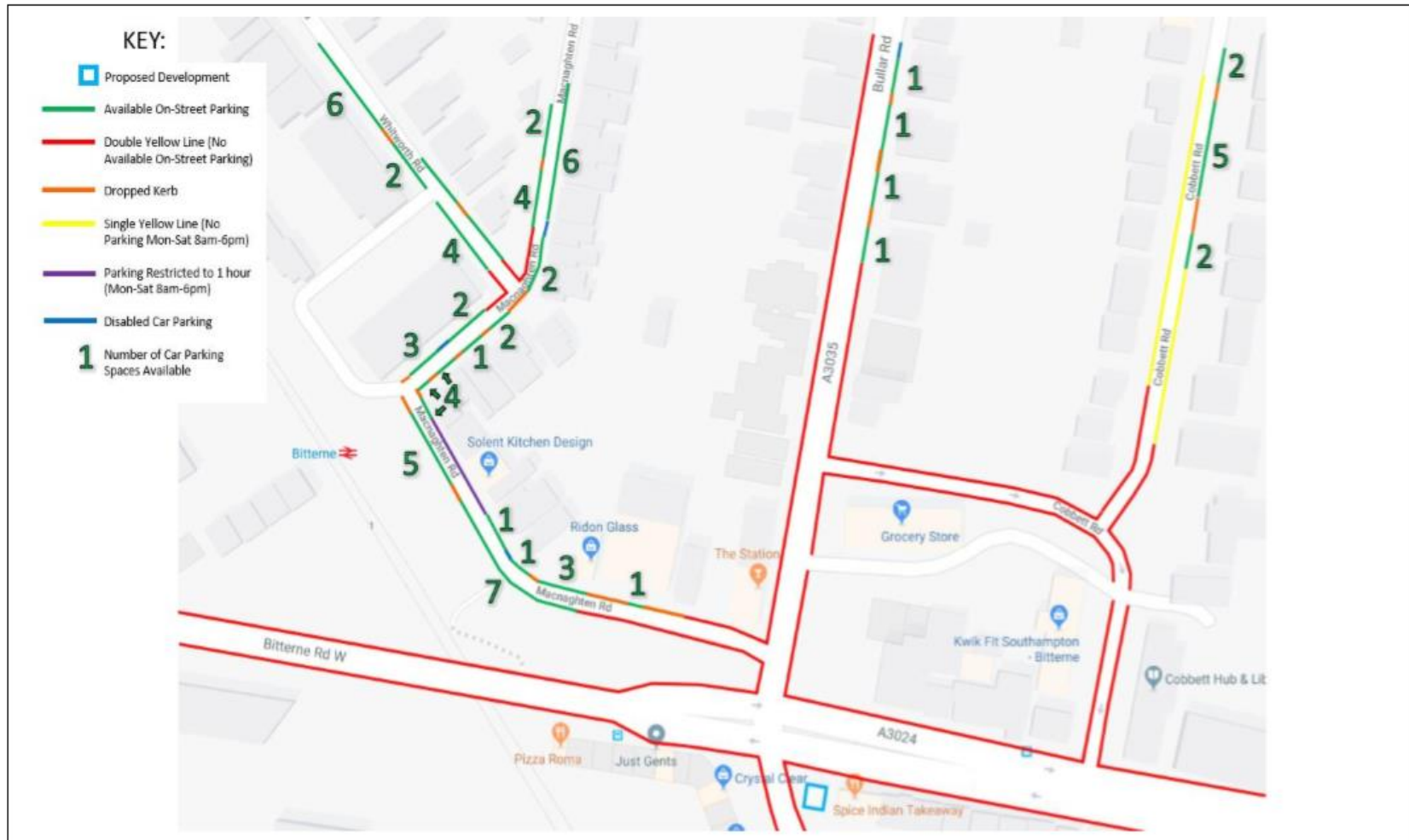
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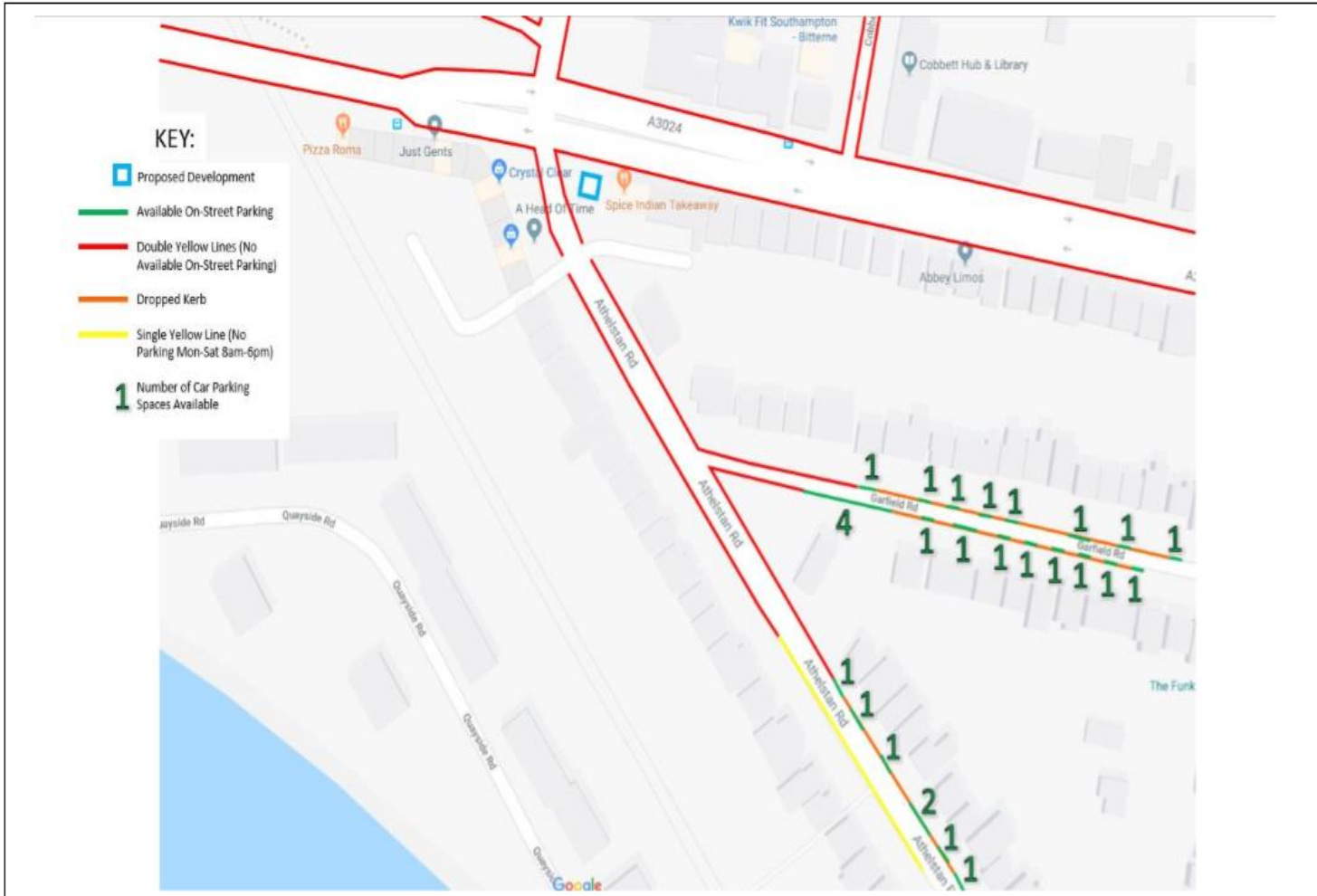
Revision
 A

(AT A3 SIZE)

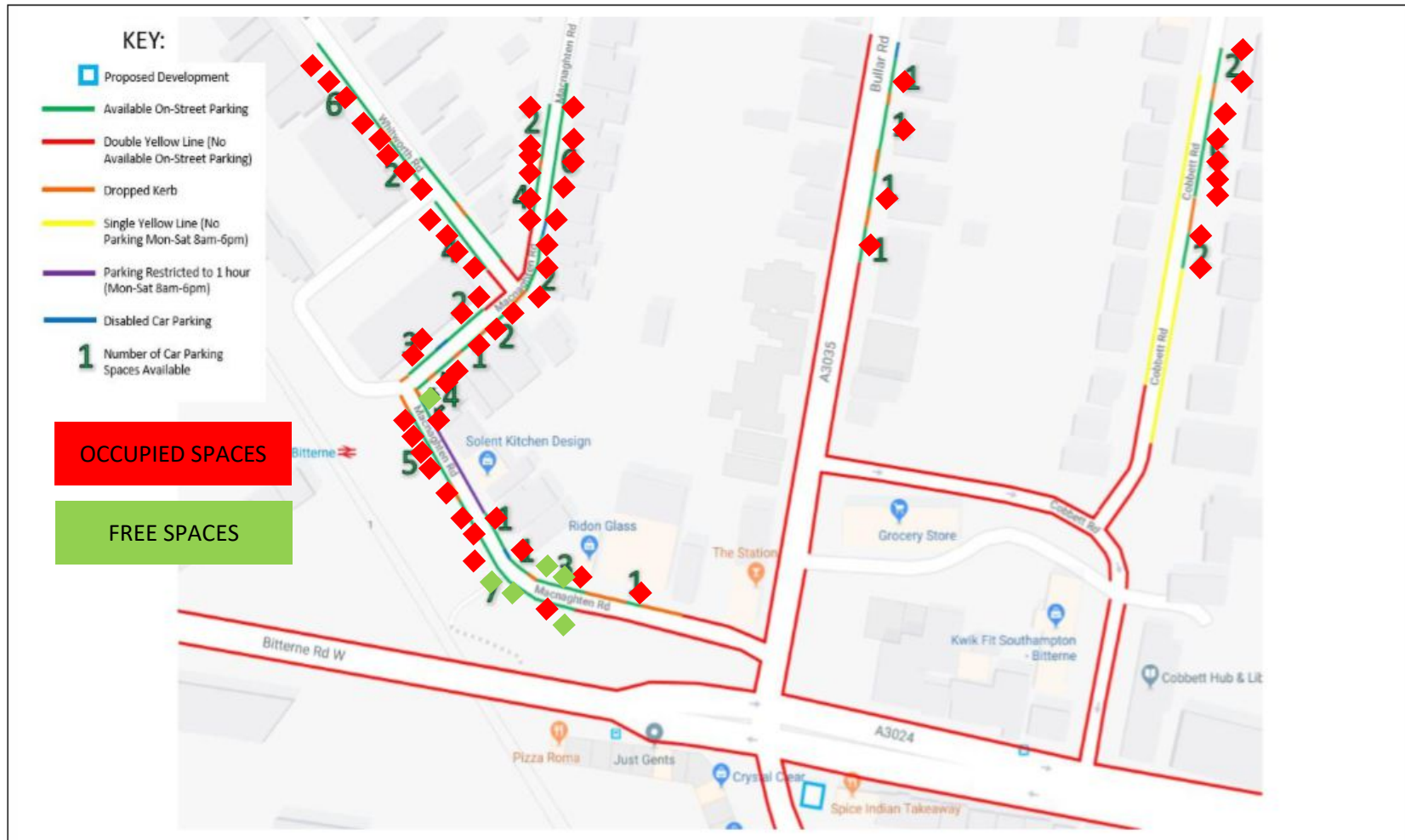
Appendix C

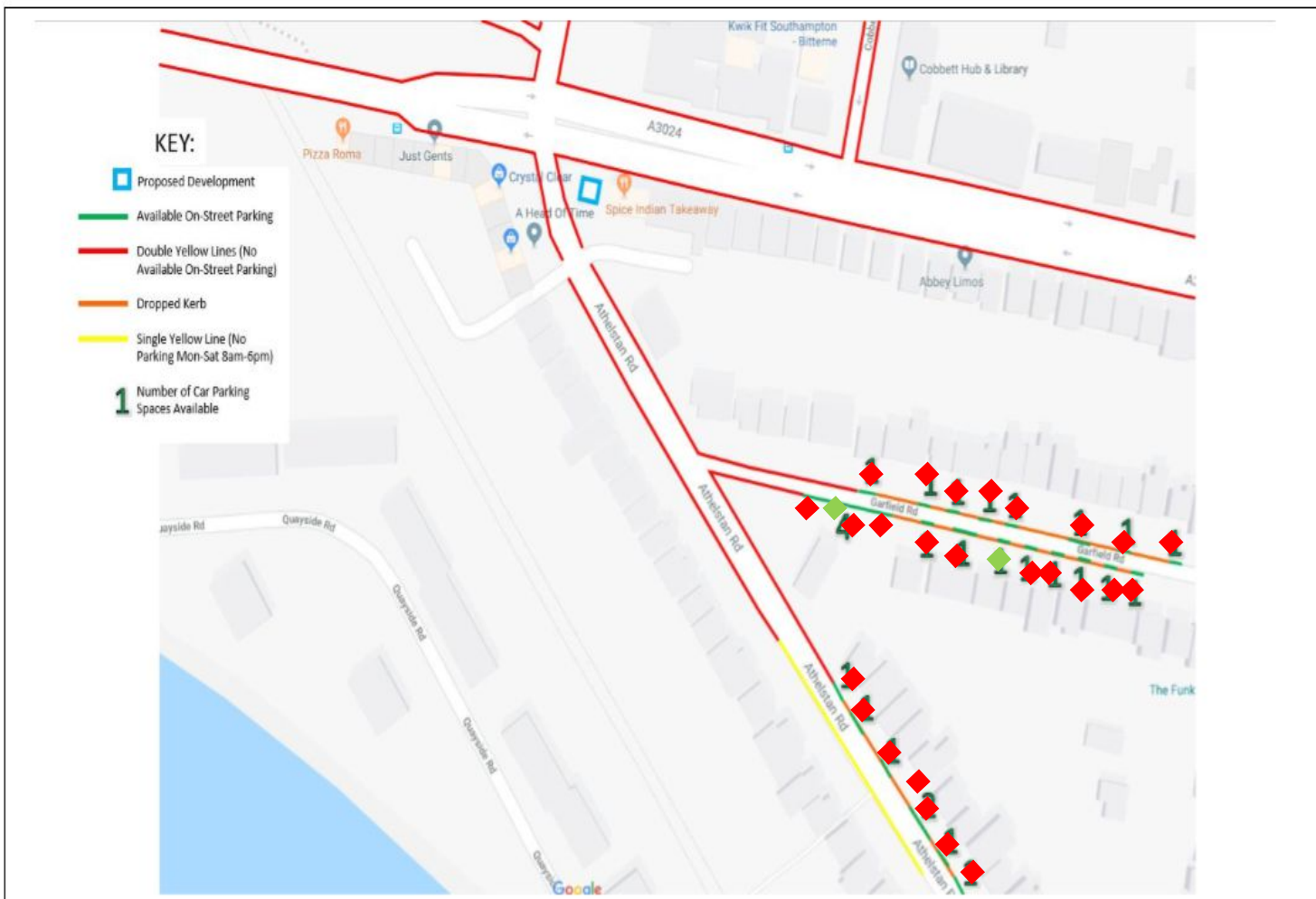
BITTERNE RD WEST SOUTHAMPTON – PARKING SURVEY INVENTORY





BITTERNE RD WEST SOUTHAMPTON – PARKING SURVEY RESULTS 3 FEB 2019





BITTERNE AREA PARKING SURVEY PHOTOS

SUN 3 FEB 2019



GARFIELD RD EASTERN FREE SPACE



GARFIELD RD WESTERN FREE SPACE



MACNAUGHTON RD NORTHERN SPACES



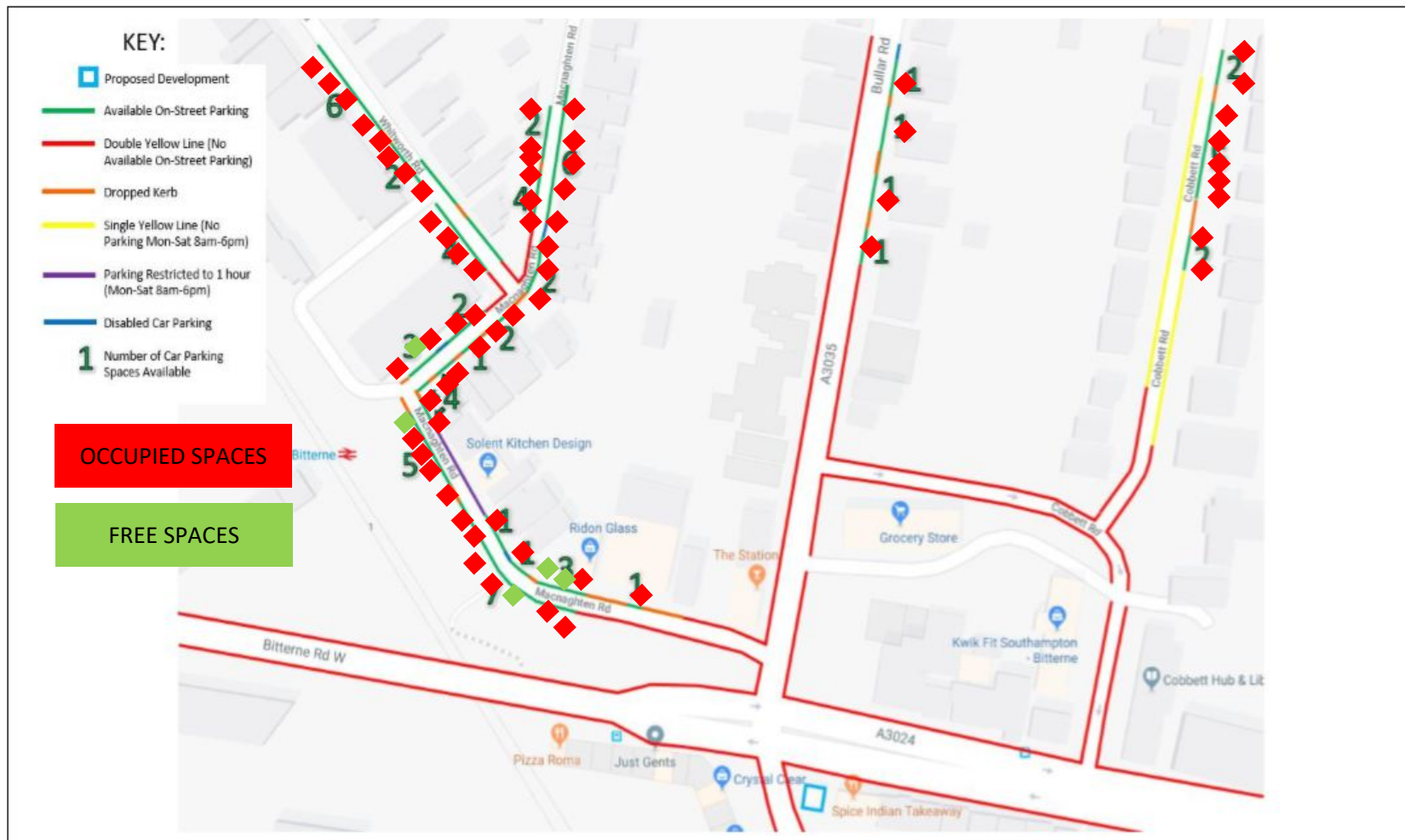
MACNAUGHTON RD SOUTHERN SPACES

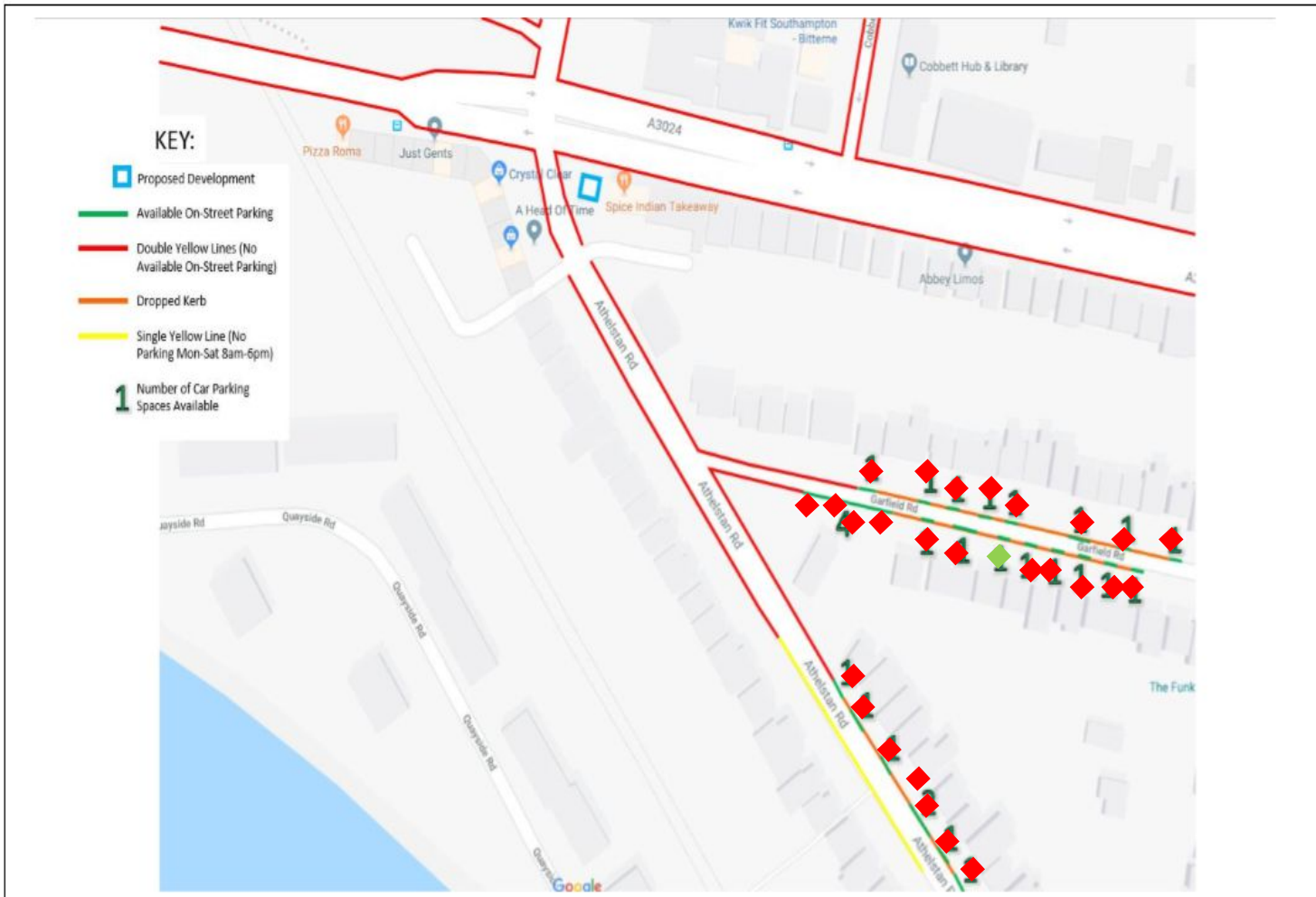


MACNAUGHTON RD N/W SPACE

BITTERNE RD WEST SOUTHAMPTON – PARKING SURVEY RESULTS 5 FEB 2019

Page 120





BITTERNE AREA PARKING SURVEY PHOTOS

TUES 5 FEB 2019



GARFIELD RD



MACNAUGHTON RD NORTH SIDE SPACES



MACNAUGHTON RD SOUTHERN SIDE SPACE

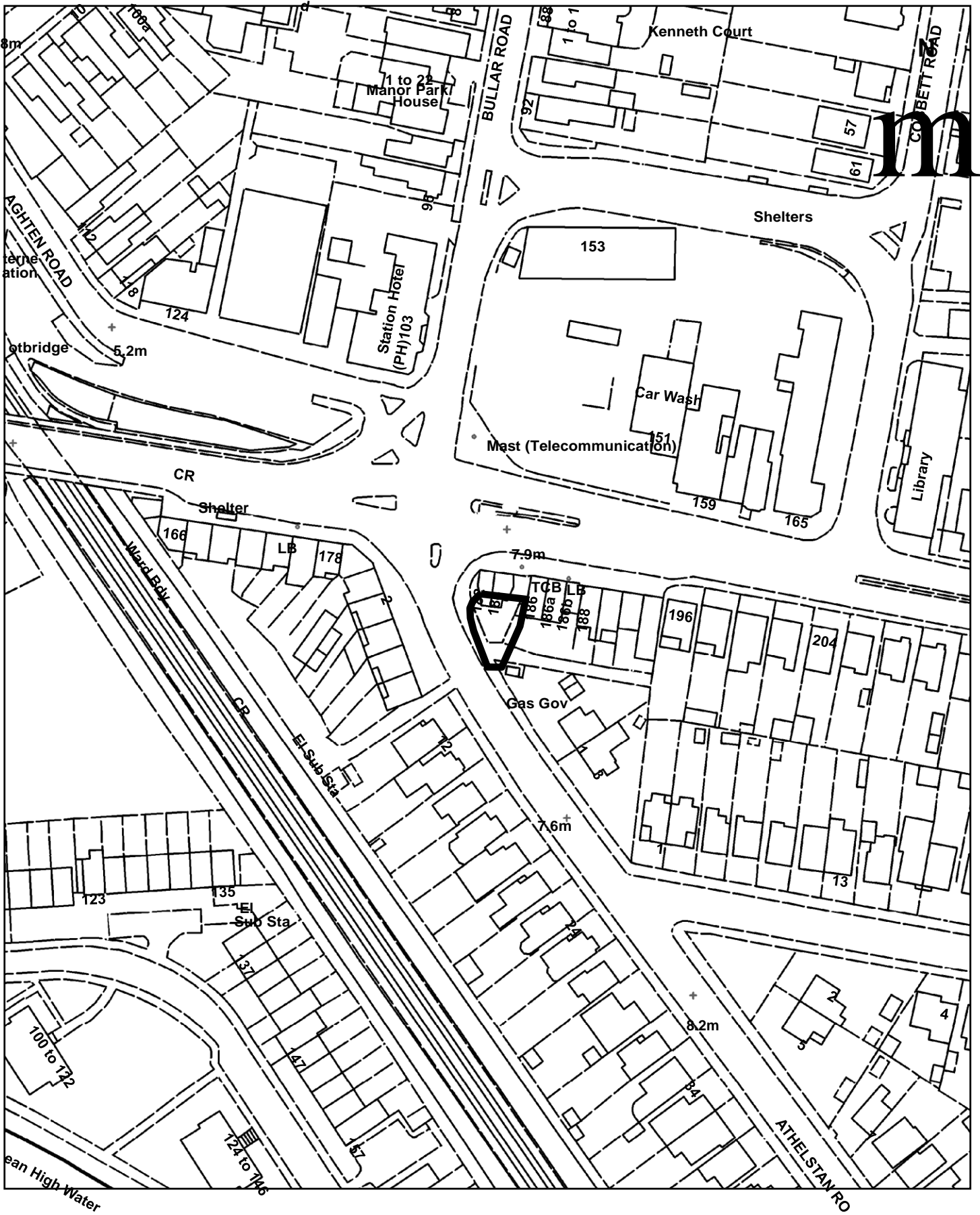


MACNAUGHTON RD WESTERN SIDE SPACE

NORTH OF BEND

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Agenda Item 5 21/00412/FUL



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Agenda Item 6

Planning and Rights of Way Panel 13th July 2020 Planning Application Report of the Head of Planning and Economic Development

Application address: Unit 1D, Quayside Business Park, Southampton			
Proposed development: Change of use to gym (class D2) (retrospective)			
Application number:	19/01773/FUL	Application type:	FULL
Case officer:	Rob Sims	Public speaking time:	5 minutes
Last date for determination:	21/04/2020	Ward:	Bitterne Park
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Ivan White Cllr David Fuller Cllr Robert Harwood
Applicant: Mr Tom Mayhew		Agent: Mr Paul Tosswell	

Recommendation Summary:	Conditionally approve
--------------------------------	------------------------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2019). Policies –CS7 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP16, SDP20, and RE111(i) of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site comprises a first-floor commercial unit within Quayside Business Park, which is safeguarded for light industrial uses (Class B1(b) and B1(c) under saved policy RE111(i) of the City of Southampton Local Plan Review (as amended 2015).

- 1.2 The industrial estate is located opposite a residential area, comprising semi-detached dwellings to the north of the application site and terraced properties and flats to the west.
- 1.3 Policy REI11(i) of the City of Southampton Local Plan Review (as amended 2015) indicates that the site is located within area identified on the Environment Agency's indicative flood risk map as at risk from tidal flooding.

2. Proposal

- 2.1 The application seeks permission for a retrospective change of use of a first-floor unit from the permitted Class B1(b) and B1(c) (light industrial) use to a gym (Class E(d)) (new use class order from September 2020). No external alterations to the building have been proposed.
- 2.2 The gym, 'The Barbell Division' employs seven (7no.) part-time staff (equivalent to 4no. full-time staff) and has applied to operate during the following opening hours: 06:00 – 21:00 hours Monday to Friday, 06:00 – 13:00 hours on Saturday, and 06:00 – 13:00 hours on Sundays and recognised public holidays.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in June 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 In addition the following history is relevant: Unit 7A Kemrock House, Kemps Quay Industrial Park. 16/00817/FUL - Change of use from Offices (Class B1) to a Bar (Class A4) (Departure from Local Plan)– Conditionally Approved (CAP) – 15.08.2016
- 4.3 19/01772/FUL - Unit 6A, Quayside Business Park - Change of use to music teaching studio (class D1) (retrospective)- Conditionally approved 16.07.2020 (by the Planning and Public Rights of Way Panel).

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and

nearby landowners. At the time of writing the report **6 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2 ***The proposal would result in a loss of parking for the area.***

Officer Response

The industrial park provides off-road parking spaces that can be utilised by staff and clients. These parking spaces are not allocated to individual units, so customers and staff can use any available parking spaces on the site. Additionally, along the southern side of Quayside Road, on-road parking spaces are sited immediately adjacent to the industrial park. These parking spaces are only allocated for permit holders (residents and visitors) during hours associated with events held at St. Mary's football stadium. Whilst the gym use will require staff and client parking, a parking survey has been submitted by the applicant which has demonstrated parking availability at various times during the day. Therefore it is not considered that the use of the site would result in significant loss of parking for the area.

5.3 ***The proposal would result in an unacceptable increase in noise and disturbance.***

Officer Response

As the industrial park is located opposite residential dwellings, the introduction of the gym use from a previously vacant unit may result in an increase in noise. In order to mitigate the impact upon local residents, a condition would be applied that would require, within three (3no.) months of the decision date, the applicant to undertake an acoustic assessment and that any sound mitigation measures against internally generated noise and vibration are provided. Additionally, a further condition will be added restricting the use sound amplification systems unless a noise assessment has been submitted, and any noise mitigation measures required have been installed in accordance with the approved details.

5.4 ***The existing gym operates outside of the proposed hours.***

Officer Response

Opening hours will be controlled via a condition, which provides clear restrictions on when the use is permitted to operate. These hours will be representative of existing businesses within the area and consider the amenities of local residents. If the use continued to operate outside of the conditioned hours, it would be in breach of condition and Planning Enforcement can be contacted to take further action.

5.5 **Consultation Responses**

5.7 **SCC Environmental Health – No objection**

We have no objections to this retrospective change of use planning application.

SCC Planning Policy – No objection

The application proposes the “Change of use to gym (class D2) (retrospective)”. Local Plan Review (2015) policy REI 11(i) (Light Industry) states that the site at Quayside Road is safeguarded as an area of light industry and research and development and that acceptable uses for the site are those that fall within classes B1(b) and B1(c) only.

In light of the above, and for the proposal to be considered further, it was requested that the applicant provided marketing information to demonstrate that the building was marketed for B1(a) and B1(c) uses, at a reasonable rate and for a period of at least 12 months with little or no commercial interest. A supporting statement was submitted by the marketing agent which provides sufficient evidence to demonstrate that the unit was actively marketed from April 2017 to January 2020 at a competitive rate and with no interest for B1(b) or B1(c) uses. Therefore, with regards to the extended period of marketing and the limited interest received over this time, it is considered that in this instance the change of use to a D2 gym will provide a positive impact to the vitality of the area. The proposal is therefore supported, in principle, by the Strategic Planning Team.

5.8 **SCC Highways – No objection**

i) **Initial Comments – Since Updated**

5.8.1 The proposed use will likely generate additional trips when compared to the existing B2 use across the day - based on TRICS data and comparing to various B2 uses. Details on operating/opening hours of both the previous and proposed use would be useful for as gyms generally do open until quite late – some are even 24 hours a day.

5.8.2 In terms of trip rates, a gym use will roughly generate approximately 50 trips per day compared to light industrial uses. Although when spread throughout the day, impact from an hourly period would be fairly low (roughly 2 extra vehicles per hour if spread evenly). Therefore it is not considered to generate a significant traffic impact.

5.8.3 Regarding parking, the additional trips could lead to extra demand for on street parking. The parking in the local streets are restricted but do allow for 1 hour public parking. The peak trip rates for a gym use are between 17:00pm-20:00pm and therefore would coincide with likely times when residents finish work and come home in the evening. These added demand could likely impact on the parking availability of this street/area due to the 1 hour public parking.

5.8.4 I would recommend that a parking survey to be conducted in order to allow for an assessment of parking availability in the area. Although due to the current situations, the surveys would not cover parking related to the development. It will however provide a good representation of existing parking demand for the local residents (good representation due to people are more likely to be at home

during such times). We can then assume the level of parking likely required by the gym from using either/both the TRICS data and the Councils Parking maximum standards. However, it is recommended to go by TRICS as the parking standards for Gym is not definitive. TRICS would indicate that a gym of this size would generate 20 vehicular trips in the peak hour (18:00-19:00). The highest B2 trip generator in these times is a car workshop which generates 10 vehicles between 17:00-18:00, but practically nothing (2 vehicles) after 18:00. Therefore the biggest impact from this development would likely be between 18:00-19:00 with approximately 18 vehicles.

- 5.8.5 It is not known if the unit benefits from on-site parking which can help accommodate some of the parking needs of the use. Depending on ownership and management, there may be scope to consider parking in front the adjacent units to be made available after those units are closed (assuming it is generally around 17:00/18:00).
- 5.8.6 Notwithstanding the above points raised, overspill parking in this area is not considered to be a highway safety issue and more of an amenity issue. Therefore it will hold limited weight in this recommendation.
- 5.8.7 Due to the change of use, cycle parking should be provided in accordance with the guidance set out in the Council's Parking SPD.
- 5.8.8 In summary, the proposal will not likely generate much impact on the highway due to the difference in trips not being that great whilst the level of HGV movements will decrease. It is suggested that more information should be provided to assess any impact from overspill parking but there will be no highway objections to the proposal subject to a condition for cycle parking being added.

ii) Comments following receipt of Parking Survey

- 5.8.9 Looking at the trip rates (previous use of industrial unit and proposed gym), the gym is predicted to generate a slightly higher level of vehicular trips (see attached for more info) but generally, the industrial unit generates around 1 vehicle an hour whilst the gym generates approximately 10 per hour with around 20 in the peak evening times.
- 5.8.10 The survey was carried during end of October/beginning of November 2020 which appeared to be during a lockdown phase. Therefore it is anticipated that some commercial units may not be operating during that time but could well be balanced out by the fact that most residents would be at home during the entire day. The parking survey suggests there are some which may be able to accommodate some overspill mainly during the day times hours but margins will be fine. The survey shows that the level of available parking varies quite a bit depending on the time and day which suggests that the turnover of on street parking is quite high.

5.8.11 Overall, the level of vehicular trip movements is not considered to generate highway impact in terms of safety and capacity issue. The impact from overspill is more of an amenity issue and therefore it will hold limited weight on the highway recommendation. However, looking at the survey, it would suggest that at times, there could be capacity but this may vary throughout the day due to the high turnover of vehicles parking in the area.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Effect on character;
- Residential amenity; and,
- Impact on Parking

6.2 **Principle of Development**

6.3 The application site lies within an area safeguarded for light industrial uses (Class B1(b) and B1(c) only, under saved policy RE111(i) of the City of Southampton Local Plan Review (as amended 2015). As the gym falls within Use Class E(d) (Indoor Sports), the proposal is contrary to this policy. However, marketing evidence was provided demonstrating that the unit was actively marketed from April 2017 to January 2020 at a competitive rate and found that there was no interest continued use of the property for B1(b) or B1(c) uses. In addition, the gym use has brought the unit back into an active use and provides associated employment for 7 members of staff. On this basis upon review of all the evidence and information provided in support of the application, officers consider that it has been demonstrated that the site is unlikely to be re-used or redeveloped for a B1 use and the benefits of providing an active use of the site and additional employment are considered to outweigh the conflict with Policy RE111 of the Local Plan. The principle of development can be supported.

6.4 **Effect on character**

6.5 The introduction of a gym use within an industrial area safeguarded for light industrial uses changes the overall character of the area. However, as the site has been continually vacant for a period in excess of three years, the gym is considered to add to the employment mix of the area.

6.6 The gym use will result in an extension to the previous operational hours in order to cater for its users. However, as the commercial unit is sited within an established industrial area, this is not considered inappropriate or out-of-character for the area. The impact of later operating hours would be more on residential amenity, which will be considered below.

6.7 On this basis, the change of use is not considered inappropriate and does not have a harmful effect on the character of the application site and the wider surrounding area.

6.8 Residential amenity

6.9 The application site is located on Quayside Business Park and comprises of a unit which faces north onto Quayside Road. There are group of semi-detached residential properties located to the north of Quayside Road. The associated noise and activities of a gym studio may result in an increase in noise and disturbance to these neighbouring properties.

6.10 The Council's Environmental Health have raised no objection to the application, including consideration of the noise and disturbance impacts from the gym use. The opening hours of nearby uses have been reviewed, including the recently approved music studio (20/01772/FUL), which has operating hours of: Monday to Fridays 13:30 to 20:00 hours; Saturdays 08:45 to 17:00 hours; Sunday and recognised public holidays 10:00 to 14:00 hours.

6.11 In order to bring the application use in line with these other uses and to be appropriate and sensitive to its surroundings, the opening hours of the gym will be restricted to 06:00 – 21:00 hours Monday to Friday, 08:00 – 15:00 hours on Saturday, and 09:00 – 15:00 hours on Sundays and recognised public holidays.

6.12 Furthermore, given that third party concerns relate to noise and disturbance from what is a noise generating use, it is considered necessary to request an acoustic assessment and subsequent mitigation measures through a suitably worded planning condition. Notwithstanding the Council's Environment Health team have not requested such details and no specific noise complaint has been made to the Environmental Health Team since the opening of the gym, in view of the objections to the application it would be prudent to secure such an assessment and implement any required sound mitigation measures in order to lessen any significant noise impacts from the use. These details will be secured within three months from the date of the decision and any mitigation measures implemented within 6 months of the decision.

6.13 Overall, while the proposed use has the potential to create noise and disturbance, it is considered that the impacts can be mitigated through an acoustic assessment and subsequent noise mitigation measures and further restriction of the hours of use as detailed. On this basis, the proposals are considered to be acceptable in terms of its impacts on noise and disturbance to neighbouring properties and uses.

6.14

Parking and Refuse

6.15

The business park provides off-road parking spaces that can be utilised by staff and clients. These parking spaces are not allocated to individual units, so customers and staff can use any available parking space on the site. Additionally, along the southern side of Quayside Road, on-road parking spaces are sited immediately adjacent to the business park. These parking spaces are only allocated for permit holders (residents and visitors) during hours associated with events held at St. Mary's football stadium. A parking survey was submitted by the applicant in November 2020, which has been reviewed by the Highways Team. Whilst the survey was conducted during lockdown, it showed that there was notable on street parking availability. This availability is balanced against the fact that lockdown would have mean more residential parking than commercial parking and therefore evens out in terms of on street parking demand. As such,

while the Class E use will require staff and client parking, the use of the on-site and provision of parking spaces and the on-road parking adjacent to the site for relatively short period of time during gym use is considered acceptable and would not result in adverse impacts on from indiscriminate parking behaviour.

- 6.16 In addition the site has potential to accommodate cycle parking, with land edged 'blue' on the proposed plans, which can provide Sheffield cycle stands for users of the gym. This cycle provision will be secured through a condition of the planning permission. Furthermore, the site is located a short distance from Bitterne Road West on which the 'City Red 7' bus route runs. Therefore the site is considered to be accessible by public transport.
- 6.17 In terms of refuse, the application forms do not provide any information of the disposal of waste. It is unclear what the previous arrangements were regarding commercial waste storage and collection. As such a condition will be imposed requesting additional information on the storage, management and collection of refuse and recycling.

7. Summary

- 7.1 The proposed use is contrary to saved policy RE111(i), which seeks to safeguard the site for light industrial uses. However marketing evidence has been provided that demonstrates the unit has been vacant for a period exceeded three years and has been continually marketed for Class B1(b) and B1(c) uses throughout that period, without any interest in the site. It is unlikely that the site is to be re-used or redeveloped for a B1 use and the benefits of providing an active use of the site and additional employment are considered to outweigh the conflict with Policy RE111.

- 7.2 The intended use of the site as a Class E(d) Gym use has the capability of producing noise and disturbance. In this instance it is considered that the impacts can be mitigated through an acoustic assessment and subsequent noise attenuation measures. Subject to implementation of any recommendation noise mitigation measures and compliance with the stipulated opening hours, the application is considered to comply with Policy SDP1 and SDP16 of the City of Southampton Local Plan Review (amended 2015) and the guidance contained within the National Planning Policy Framework.

- 7.3 The proposal is not considered to have a detrimental impact upon the character of the surrounding area, in accordance with CS13 of the City Council Local Development Framework Core Strategy, and, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015). As such, officers recommend approval of the application.

8. Conclusion

It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

RS for 13/07/2021 PROW Panel

PLANNING CONDITIONS

1. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details (specifically as a Gym and associated ancillary functions), no other uses shall be permitted within Class E(d).

Reason: In the interest of the amenities of neighbouring occupiers.

2. Noise & Vibration (internal noise source)

Within three months of this decision, a noise assessment shall be undertaken and submitted to the Local Planning Authority which shall include a scheme of sound insulation measures to mitigate any internally generated noise and vibration. Any necessary sound insulation measures shall be installed within 3 months from the Council's written approval of the detail and thereafter retained as approved.

Reason: To protect the amenities of the occupiers of existing nearby properties.

3. Amplified Sound

No sound amplification systems that is audible from outside the building shall be operated unless a noise assessment has been submitted to and approved by the Local Planning Authority, and any noise mitigation measures required have been installed in accordance with the approved details. Any such mitigation shall be retained for the lifetime of the development

Reason: To ensure the amenities of nearby residents and businesses are not harmed.

4. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. Hours of Use & Delivery (Performance Condition)

The commercial use hereby permitted shall not operate outside the following hours:

Monday to Fridays	06:00 to 20:00 hours
Saturdays	08:00 to 15:00 hours
Sunday and recognised public holidays	09:00 to 15:00 hours

No deliveries shall be taken or despatched from the use outside of the hours of 08:00 to 20:00 daily.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

6. Cycle storage facilities

Within three months of the development hereby approved, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

7. Refuse storage facilities

Within three months of the development hereby approved, secure storage and collection for refuse and recycling shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter retained as approved.

Reason: In the interests of amenity.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS7 Employment Safeguarding
CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP16 Noise
REI11 Light Industry

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

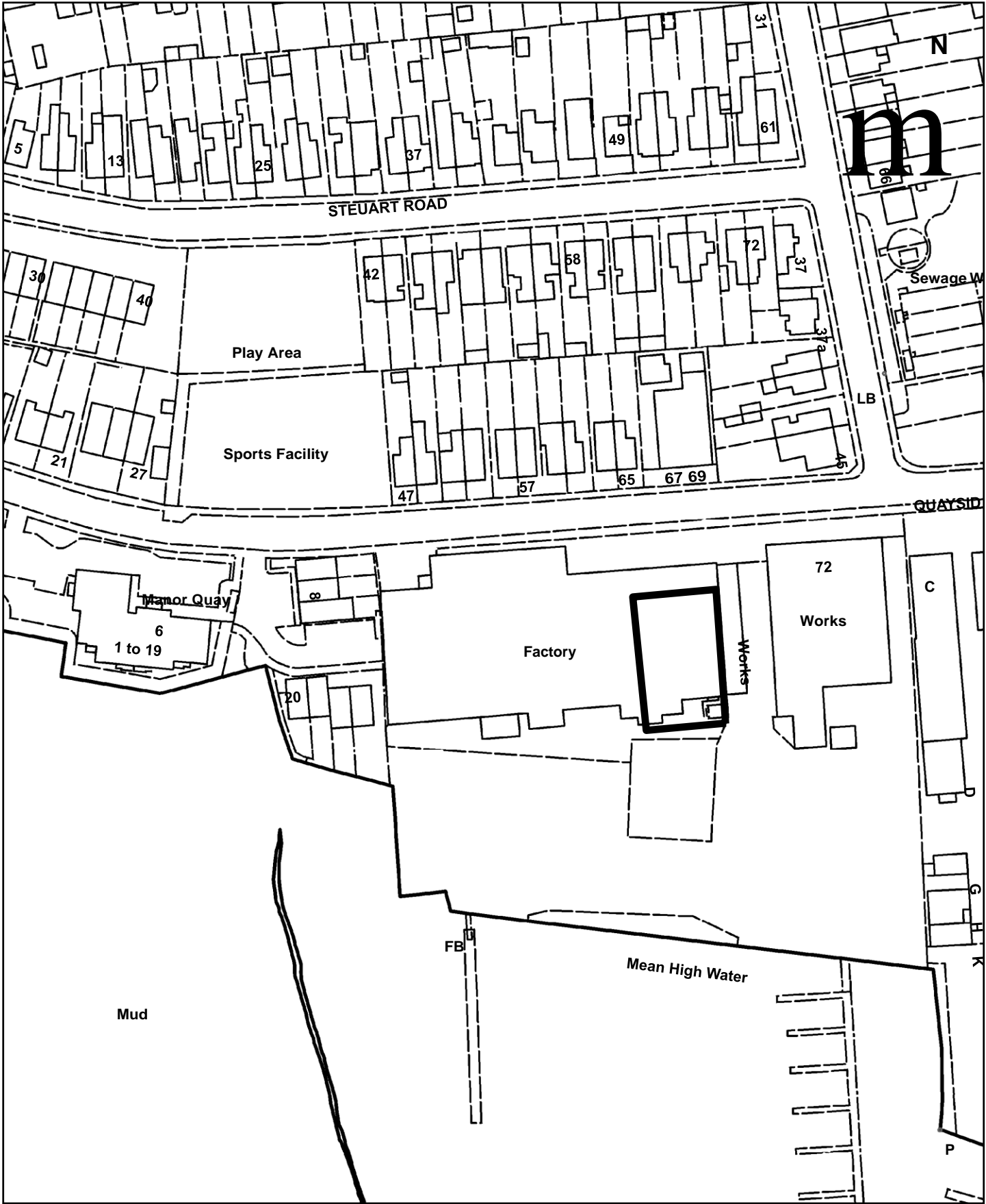
The National Planning Policy Framework (2019)

Relevant Planning History

Unit 7A Kemrock House, Kemps Quay Industrial Park. 16/00817/FUL - Change of use from Offices (Class B1) to a Bar (Class A4) (Departure from Local Plan)– Conditionally Approved (CAP) – 15.08.2016

Agenda Item 6 19/01773/FUL

Appendix 1



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Planning and Rights of Way Panel 13th July 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 230 - 234 Winchester Road, Southampton			
Proposed development: Siting of two cold storage units for use in connection with the sale of food goods from The Range - Retrospective.			
Application number:	20/01317/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	25 th November 2020	Ward:	Bassett
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr J Hannides Cllr B Harris Cllr L Harris
Referred to Panel by:	Cllr J Hannides	Reason:	Neighbours continue to experience vibration and noise
Applicant: CDS (Superstores International) Ltd		Agent: MWA	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies SDP1, SDP5, SDP7, SDP9, SDP16 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached

1	Development Plan Policies	2	Relevant Planning History
3	Acoustic Report - Dragonfly		

Recommendation in Full**Conditionally approve****1. The site and its context**

- 1.1 The red line for the application site relates to a small area of the compound area serving The Range store accessed via Winchester Road. The building is shared with the freezer food company 'Iceland'.
- 1.2 The Compound area is located directly to the west of the main store on the north boundary of the site. It is enclosed by a timber clad security fence in excess of 3m in height.
- 1.3 The Range site incorporates a sizeable parking area to the south western side of the site. The Compound is located centrally within the site adjacent to the north boundary.
- 1.4 Residential properties back on to the north southwest, west, and south east boundaries of the site. To the south is a petrol filling station and to the northeast commercial premises known as South Coast Storage and Packaging.

2. Proposal

- 2.1 The application seeks the retention of two containers within the site's storage compound.
- 2.2 The containers are refrigeration units that provide cold storage for the frozen goods available within The Range store.
- 2.3 The units are 2.89 metres in height, 2.44 metres wide, the northern most unit measures 12.1 metres in length, the southern unit 6.1 metres. The refrigeration equipment is located on the rear of the containers adjacent to the to western boundary of the compound.
- 2.4 The Containers are cream in colour (RAL CODE 1015)

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the

City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **two representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 **The vibration and humming noise coming from these refrigerator units can be felt and heard all night. It prevents windows being left open at night. During the day the humming noise can be heard with our garden. Attempts have been made by The Range to muffle the noise that the units make. However there is still constant humming and vibration which fluctuates through the day and night.**

Officer Response

The concerns regarding noise and vibration are noted and form part of the material considerations for the application below. In summary, it was noted that the compressor units associated with the containers did result in noise emissions. It was advised that acoustic louvres would mitigate this impact. These acoustic louvres have now been fitted to the containers. A further acoustic report measured the noise impact of the containers following the installation of the louvres. The target noise levels set of by the Council's Environmental Health officers were achieved. Whilst some nuisance may remain this is considered to fall within acceptable limits.

5.3 **The delivery lorries arrive early morning and park up with their generators running. They start unloading using forklifts before 7.30am.**

Officer Response

The proposal does not include any variation to the permitted delivery times. Deliveries and servicing of the premises is restricted to the hours of 08:30hrs to 17:00hrs Monday to Friday. The store has been reminded of these restrictions and the Council has planning enforcement powers, which may be used if the issue persists.

Consultation Responses

5.4

Consultee	Comments
Environmental Health	<p>Following the installation of acoustic louvres to the containers, and the sound level monitoring outlined in the Acoustic report referenced DC3425-R2 Environmental Health Advised that:</p> <p><i>'The target noise levels have been achieved.'</i></p> <p>As such Environmental Health raise no objection to the proposal.</p>
Cllr Beryl Harris	<p>Since the acoustic louvers have been fitted to the units to reduce the noise levels and Environmental Health report states that the target for noise reduction has been achieved and they now consider that the louvres are effective, their objection has now been removed . I have personally not received any additional complaints</p>
Cllr John Hannides	<p>The proposal is in my view inappropriate and unsuitable due to their close proximity to several neighbouring residential properties. Residents have complained about excessive noise and vibration created by the generators in situ. It's already having a serious detrimental impact on the neighbours and their quality of life.</p>

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Design and effect on character;
- Residential amenity;

6.2 Principle of Development

6.2.1 The proposal seeks to retain two refrigerated storage containers within the existing compound associated with The Range store. The proposed use of the site is established and the containers would be ancillary to the use of the store. As such, the principle of development can be supported subject to further consideration regarding the impact to the character of the area and residential amenity.

6.2.2 Saved Policy SDP1(i) of the City of Southampton Local Plan Review states, amongst other things, that planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.

6.2.3 Saved Policy SDP16 of the City of Southampton Local Plan Review states, *'noise-generating development will not be permitted if it would cause an unacceptable level of noise impact;'*

6.2.4 Core Strategy Policy CS13 requires development to *'respond positively and integrate with its local surroundings'* and *'impact positively on health, safety and amenity of the city and its citizens'*.

6.2.5 It is noted that the application is retrospective. The National Planning Policy Framework says that enforcement action is discretionary, and that local planning authorities should act proportionately in responding to suspected breaches of planning control. Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application' (para 6). Furthermore, an application cannot be refused on grounds that it is retrospective. When considering the development regard has to be had to Government guidance and the policies contained within the Development Plan.

6.2.6 However, the retrospective nature of the development has allowed the mitigation measures, seeking to limit the noise emissions, to be installed. As such the Council does not have to rely upon predicted results from the proposed mitigation. Following the installation of acoustic louvres noise levels were measured to assess the effectiveness of the mitigation. As

assessed below by the Council's Environmental Health Officers, the target noise levels were achieved. As such, the principle of the cold storage units for this commercial building is acceptable.

Design and effect on character

- 6.3.1 The proposal will maintain the existing commercial use of the premises. The proposal will not provide additional retail floor space neither will the containers be accessible by the public.
- 6.3.2 The containers are set will into the site, within and existing storage /delivery compound and away from the public realm. Given the height of the timber clad boundary treatment of the compound the storage containers will not be readily visible to the public. A condition can be imposed that prevents storage of goods and materials on top of the containers. A further condition will require the units to be removed when no longer in use. As such the proposal preserves the character of the site and the surrounding area.

6.4 Residential amenity

- 6.4.1 The containers are located near to the northern boundary of the site that abuts the rear boundary treatments of the residential properties of Norham Avenue. The containers are sited approximately 16m from the habitable accommodation within those properties.
- 6.4.2 The containers are of single storey height, with a flat roof. As such given the level of separation from the residential dwelling and single storey height, the containers are do not give rise to any material harm to the natural light or outlook currently enjoyed by the occupants of those dwellings.
- 6.4.3 The containers incorporate refrigerated units which have the potential for noise emission from the units. It is noted that the containers are located within an existing storage and delivery compound located adjacent to the customer car parking. Vehicles and people can be expected to be operating/working within those areas resulting in some noise from within it however such noise would not be expected through the night. The cold storage containers will be required to operate through the night and noise and vibration issues can be a major nuisance in urban areas. Excessive levels of noise and vibration can cause stress and other related problems affecting people's health and quality of life.
- 6.4.4 Saved Policy SDP 16 of the City of Southampton Local Plan Review states,

'Applicants may be required to submit a noise impact report to assess the effect of the proposed development or existing noise source(s) upon the existing or proposed noise-sensitive development prior to the

determination of a planning application.'

- 6.4.5 The application did include a Noise impact assessment (referenced DC3425-R1). The survey concluded that without any mitigation the units resulted in noise emissions of, which exceed acceptable noise parameters (35dB/30dB) by 2 decibels (37dB)
- 6.4.6 The noise impact assessment found that the source of the noise was the compressor associated with the refrigeration units. The report advised that the fitting of acoustic louvres would mitigate this noise impact and bring emissions down to acceptable levels (35dB/30dB).
- 6.4.7 As the proposal sought retrospective consent for the retention of the units, rather than secure the mitigation through a planning condition to be fitted/reviewed after consent had been awarded, it was considered appropriate to implement the suggested mitigation prior to the award of permission so that a further noise survey could be undertaken post installation. This would allow for a more accurate assessment of the effectiveness of the acoustic louvres.
- 6.4.8 With significant input from the Councils Environmental Health Team the Acoustic Louvres were fitted to the containers on the 21 January 2021.
- 6.4.9 A further noise survey (referenced was undertaken from the 3rd to the 4th February 2021). This survey is included within **Appendix 3**. The survey results demonstrated that the acoustic louvres reduced noise levels associated with the containers.
- 6.4.10 Environmental Health Officers had previously advised that noise levels of 35/30 dB LAeq,T Daytime/ Night-time would be acceptable. The survey methodology has been reviewed by the Council's Environmental Health Team and they have confirmed that the target noise levels have been achieved within this margin following the fitting of the acoustic louvres.

Survey Results

Location	Description	External Noise Levels dB(A)	Internal noise Levels (Windows Open) dB(A)
1	Sound level meter positioned 1.5m from the ground and 1m from rear façade at no.19 Norham Avenue.	35.4	20.4
2	Sound level meter positioned 1.5m from the ground and 1m from rear façade (bedroom	33.2	18.2

	window) at no.17 Norham Avenue.		
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6.4.11 As such, whilst the compressors do make a noise, and this noise may be audible from neighbouring residential properties, following the installation of the acoustic louvres the noise emissions have been significantly reduced to what are now considered to be acceptable noise levels to avoid significant noise and disturbance to residential properties. On this basis the application proposals would not result in significant adverse harm to nearby residential properties and a reason for refusal could not be substantiated in this instance.

6.5 Parking highways and transport

6.5.1 The containers are sited within an existing storage and delivery compound and as such will not be at the expense of any parking provision.

7. Summary

7.1 In terms of its scale, siting and visual appearance the containers are acceptable.

7.2 The proposal does not give rise to any material harm to the natural light, the privacy, or the outlook currently enjoyed by the occupants of the neighbouring residential properties.

7.3 Following the installation of acoustic louvres to mitigate the noise emissions associated with the containers, target noise levels have been achieved.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

MT for 13/07/21 PROW Panel

PLANNING CONDITIONS

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Noise Attenuation

The development hereby approved shall be implemented in accordance with the agreed details and the sound level mitigation outlined in the Acoustic report referenced DC3425-R2 and drawing ALD1. Thereafter all equipment shall be maintained, repaired and serviced in accordance with the manufacturer's recommendation. The equipment shall thereafter be retained as approved.

Reason: To protect the amenities of the occupiers of existing nearby properties.

3. Future Removal

When the containers hereby approved are no longer in use the containers and any associated materials and equipment shall be removed from the site and the land shall be restored to its former use and condition.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area.

4. Storage Restriction

No materials, goods or other items shall be stored on top of the containers hereby approved at any time.

Reason: To ensure a satisfactory visual appearance in the interest of the amenities of the area and in the interests of safety.

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Application 20/01317/FUL

APPENDIX 1

POLICY CONTEXT

LDF Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP5 Parking
SDP7 Urban Design Context
SDP9 Scale, Massing & Appearance
SDP16 Noise

Other Relevant Guidance

The National Planning Policy Framework (2019)

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Application 20/01317/FUL

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
20/01016/ADV	Installation of 1 x non illuminated slim frame flex face (Advert 1), 1No dibond panel (Other sign Advert 1) and1No dibond panel onto existing post sign (Other sign Advert 2).	Approve with conditions	2020
19/01564/FUL	Application for variation of condition 1 of planning permission ref: 01/00644/VC to allow retail sales of food and drink up to a maximum of 330 sqm	Approve with conditions	2019
06/00785/FUL	Retention of three containers adjacent to retail store on the northern boundary of the site and erection of new fencing to enclose service yard (as amended on 24th January 2007).	Approve with Conditions	2007
05/00890/LDCE	Siting of three containers adjacent to retail store on the north western boundary of the site.	Refuse	2006
02/01490/LDCE	Proposed installation of an internal mezzanine floor.	Application Withdrawn	
01/00644/VC	Variation of condition 1 of previous permission 980343/22867/WX to allow additional goods to be sold and single storey glazed extension	Approve with Conditions	2001
00/00982/VC	Amendment of condition 1, planning permission granted 980343/22867/WX to allow additional goods to be sold to registered club members	Refuse	2001

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The Range Home and Leisure Limited
Winchester Road, Southampton SO16 6TL
Discharge of Condition 2 (20/01317/FUL)
DC3425-R2



Report Version Issue Log

Report Number	Issue Date	Note or Change	Author	Approval for Issue
DC3490-R2	11.02.2021	Report Issue	MAS	DV

This report has been prepared by Dragonfly Consulting with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the client.

Copyright in this report (including the data it incorporates) is owned by Dragonfly Consulting. It is provided for the exclusive use of The Range Home and Leisure Limited; no warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Dragonfly Consulting.

Dragonfly Consulting disclaims any responsibility to the client and others in respect of any matters outside the agreed scope of the work.

Limitations to this Report

This report entails a physical investigation of the site with a sufficient number of sample measurements to provide quantitative information concerning the type and degree of noise affecting the site. The objectives of the investigation have been limited to establishing sources of noise material to carrying out an appropriate assessment.

The number and duration of noise measurements have been chosen to give reasonably representative information on the environment within the agreed time, and the locations of measurements have been restricted to the areas unoccupied by building(s) that are easily accessible without undue risk to our staff.

As with any sampling, the number of sampling points and the methods of sampling and testing cannot preclude the existence of “hotspots” where noise levels may be significantly higher than those actually measured due to previously unknown or unrecognised noise emitters. Furthermore, noise sources may be intermittent or fluctuate in intensity and consequently may not be present or may not be present in full intensity for some or all of the survey duration.

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1.0 INTRODUCTION

The Range Home and Leisure Limited has appointed Dragonfly Consulting to carry out a Noise Impact Assessment to support the discharge of Planning Condition 2 (20/01317/FUL) in relation to the “*Siting of two cold storage units for use in connection with the sale of food goods from The Range*”.

1.1 Planning History

A noise assessment was submitted to support the planning application (DC3425-R1, Dragonfly Consulting, 23rd September 2020) which identified the requirement for remedial noise mitigation measures in order to attenuate noise emissions from the cold store units to an appropriate level.

As noise contributions from the cold store units are driven by noise from the associated Thermoking compressors, acoustic louvres were recommended to be installed over the compressor outlets to improve the level of noise insulation afforded by the compressor housing.

A consultation response was issued on the 13th October 2020 on behalf of Southampton City Council (SCC) Environmental Health in support of the planning application with 2no. recommended conditions pertaining to technical details of the procured louvres (Planning Condition 1) and quantification of effects of noise post-mitigation (Planning Condition 2), shown below.

Planning Condition 2

“A supplementary report to be submitted for approval of the Local Planning Authority giving details of the noise readings taken, following installation of the acoustic louvers, to verify that the target noise levels i.e. 35/30 dB $L_{Aeq,T}$ Daytime/ Night-time as set out in Table 5.5 have actually been achieved.

Reason : To protect the amenities of the occupiers of existing nearby residential properties”

Consultation with Local Authority

The noise criteria detailed within Planning Condition 2 (35/30 dB $L_{Aeq,T}$) relates to internal noise contributions within adjacent dwellings. In light of current COVID regulations, it was not considered appropriate to monitor internally within the adjacent dwellings. Consultation was therefore undertaken between the Principal EHO at SCC and Dragonfly consulting to confirm an alternative approach. It was subsequently agreed that noise measurements would be undertaken externally and internal noise contributions from the plant calculated accounting for a nominal reduction of 15dB through a partially open window.

1.2 Site Description

The application site consists of a large warehouse/store owned and operated by the Range with an associated car park to the west. The site is bound by:

- Existing Residential Premises on Norham Avenue to the North.
- Winchester Road, a main throughfare into Southampton to the South.
- Existing Residential Premises on Vincent Avenue to the East.
- Existing Residential Premises on Dale Road to the West.

The two cold store units are located on the northern boundary of the site between the car park and store, consisting of two CRS mobile units 20ft and 40ft in length, respectively, with associated Thermoking compressors.

Operational Characteristics of Plant

Noise contributions from the plant are driven by the Thermoking compressors. The units continually emit a low hum. When the internal temperature within the cold store units exceeds a set temperature, the compressor fans “spin up” which increases both the level of noise emitted from the units and the dominant frequency of the noise output.

2.0 GUIDANCE

2.1.1 Association of Noise Consultants (ANC) and Institute of Acoustics (IOA) Joint Guidance on the Impact of COVID-19 on the Practicality and Reliability of Baseline Sound Level Surveying and the Provision of Sound & Noise Impact Assessments

The ANC and IOA joint COVID-19 guidance, as amended 1st September 2020, sets out the guiding principles which have been adopted across the industry to ensure that sound and noise impact assessments are able to continue throughout the pandemic. It recommends that surveys should continue, unless they cannot be carried out in complete accordance with current Government requirements, and additional sources of data may be used to support the characterisation of the baseline.

2.1.2 BS 7445-1:2003 – Description and Measurement of Environmental Noise – Part 1: Guide to Quantities and Procedures

This document defines the basic quantities to be used for the description of noise in community environments and describes basic procedures for the determination of these quantities.

The methods and procedures described in this British Standard are intended to be applicable to sounds from all sources, individually and in combination, which contribute to the total noise at a site. This British Standard does not specify limits for environmental noise.

2.1.3 BS 8233:2014 – Guidance on Sound Insulation and Noise Reduction for Buildings

BS 8233 provides a methodology to calculate the noise levels entering a building through facades and façade elements and provides details of appropriate measures for sound insulation between dwellings. It includes recommended internal noise levels which are provided for a variety of situations.

3.0 ENVIRONMENTAL NOISE SURVEY

The survey was undertaken from the 3rd to the 4th February 2021.

3.1 Survey Methodology

The equipment used during the survey is detailed in Appendix B. The sound level meters were calibrated before and after the measurements and no significant calibration drifts were found to have occurred (≤ 0.2 dB). All of the noise monitoring equipment had been calibrated to a traceable standard within the twenty-four months preceding the survey. Calibration certificates are available on request.

- ‘Location 1’ – sound level meter positioned 1.5m from the ground and 1m from rear façade at no.19 Norham Avenue.
- ‘Location 2’ – sound level meter positioned 1.5m from the ground and 1m from rear façade (bedroom window) at no.17 Norham Avenue.
- ‘Location 3’ – sound level meter positioned 1.5m from the ground at far end of garden adjacent to The Range boundary at no.17 Norham Avenue.

The measurement locations are shown in Appendix C.

3.2 Survey Results

On-site weather monitoring was undertaken throughout the duration of the survey. The results of the weather monitoring concluded that the weather was suitable for noise monitoring with no significant rainfall and low wind speeds. The results of the weather monitoring have been validated using MET data obtained from a nearby weather station in Southampton city centre.

The results of the survey are presented in Table 3.1. background noise levels have been determined through statistical analysis of all 15-minute samples and are expressed as integers (with 0.5 dB being rounded up). In accordance with industry standard practice, a -3dB correction has been applied to Locations 1 & 2 to convert façade levels to free-field. Full survey data is available on request.

Table 3.1
Summary of Noise Levels – dB(A)

Location	Date	Period	Duration (hh:mm)	L _{Aeq, T}	L _{AFMax}	L _{A10}	L _{A90}
Location 1	03/02/2021 to 04/02/2021	Daytime 1800 - 2300 0700 - 0845	06:45	47.8	75.5	48.8	42
		Night-time 2300 - 0700	08:00	47.1	69.0	48.0	38
Location 2	03/02/2021 to 04/02/2021	Daytime 1800 - 2300 0700 - 0845	06:45	48.2	72.3	49.5	42
		Night-time 2300 - 0700	08:00	46.7	71.2	47.5	37

Location 3	Daytime					
	1800 - 2300	06:45	52.1	82.1	51.3	45
	0700 - 0845					
	Night-time					
	2300 - 0700	08:00	53.8	76.8	51.7	40

3.3 Observations

The survey was conducted on a predominantly unattended basis with audio recording enabled at all locations to assist in the determination of each respective mode of operation from the cold store compressors. The noise environment consisted of road traffic noise from Winchester Road and the surrounding road network, commercial activity at The Range, including car park operations, and contributions from the cold store compressors.

During the attended portion of the survey in the evening period, it was noted that the plant was audible at the boundary of The Range and adjacent receptor gardens in lulls between road traffic. However, audibility diminished during the morning when other operations occurred within the service yard and car park at The Range, and road traffic levels increased.

During the night-time period, road traffic levels reduce between 0000h and 0530h. In order to determine the noise contribution from the plant, it is considered that this period is most representative as less influence from extraneous noise sources are prevalent.

4.0 ASSESSMENT

4.1.1 Typical Compressor Operation

The compressors continuously emit a low hum when not under load with little to no variability in the characteristics of the noise. On this basis, the L_{A90} value is considered the most appropriate metric to apply in the determination of contributions from the compressors, as it is less likely to be influenced by intermittent or fluctuating noise sources. This approach is outlined within the *Health Technical Memoranda (HTM) 08-01* which states that “it can be assumed that the L_{eq} of plant noise is the same value as the L_{90} for continuously operating plant”.

To assist in the determination of the typical operation of the compressors, the quietest point during the night-time period (0200h-0215h) has been analysed. A review of the audio data obtained adjacent to the boundary of The Range (Location 3), identifies that noise from the compressors is distinguishable from the rest of the acoustic environment with less influence from other fluctuating sources of noise, although intermittent car passages on the surrounding road network are still audible throughout.

Based on the methodology outlined above, Table 4.1 presents the results of the noise intrusion assessment accounting for a nominal 15dB reduction in noise through a partially open window.

Table 4.1
Noise Intrusion Levels at NSR, dB(A)

Location	External Noise Levels	Internal Noise Levels (Windows Open)	Target Internal Noise Criteria (Daytime/ Night-time)	Planning Condition 2 Criteria Achieved
Location 1	35.4	20.4	35 / 30	Yes
Location 2	33.2	18.2		Yes

As shown in Table 4.1, measured noise contributions from the plant during the compressors typical operation fall below the criteria stipulated within Planning Condition 2 (35/30 dB $L_{Aeq,T}$).

4.1.2 Compressor Under Load

To determine the noise contribution from the compressors when they are under load and subsequently outputting a higher noise level, a review of the audio data obtained at the boundary to The Range (Location 3) was undertaken. Audible characteristics of the noise from the compressors changed between 0035h-0036h. This process lasted around 40 seconds. The noise emitted from the compressors was notably higher in pitch compared to the typical operational noise. The noise environment during this period also included contributions from road traffic noise and therefore the same process has been followed. Given the relatively short duration of these occurrences, the time base for the calculation of the L_{A90} metric has been shortened to 1 minute to capture the whole period of increased noise output.

Based on the methodology outlined above, Table 4.2 presents the results of the noise intrusion assessment accounting for a nominal 15dB reduction in noise through a partially open window.

Table 4.2
Noise Intrusion Levels at NSR, dB(A)

Location	External Noise Levels	Internal Noise Levels (Windows Open)	Target Internal Noise Criteria (Daytime/ Night-time)	Planning Condition 2 Criteria Achieved
Location 1	39.6	24.6	35 / 30	Yes
Location 2	37.4	22.4		Yes

As shown in Table 4.2, measured noise contributions from the plant during the compressors increased load fall below the criteria stipulated within Planning Condition 2 (35/30 dB $L_{Aeq,T}$).

4.2 Assertion of Competence

This assessment has been completed by Mark Smith, Senior Acoustic Consultant with responsibilities for completing acoustic reports on behalf of Dragonfly Consulting.

I hold a Master of Science in Acoustics and a Bachelor of Science in Music Technology from Leeds Beckett University and the Institute of Acoustics (IoA) Diploma in Acoustics and Noise Control. I am a corporate member of the IoA (MIOA).

5.0 CONCLUSION

The Range Home and Leisure Limited has appointed Dragonfly Consulting to carry out a Noise Impact Assessment to support the discharge of Planning Condition 2 (20/01317/FUL) in relation to the *“Siting of two cold storage units for use in connection with the sale of food goods from The Range”*.

A noise survey was conducted to determine the operational noise output from the cold store units. Subsequent analysis has been undertaken and determined that noise contributions from the cold stores falls below the criteria stipulated within Planning Condition 2, as recommended by SCC Environmental Health.

Appendix A – Glossary of Terminology

In order to assist the understanding of acoustic terminology and the relative change in noise, the following background information is provided.

The human ear can detect a very wide range of pressure fluctuations, which are perceived as sound. In order to express these fluctuations in a manageable way, a logarithmic scale called the decibel, or dB scale is used. The decibel scale typically ranges from 0dB (the threshold of hearing) to over 120dB. An indication of the range of sound levels commonly found in the environment is given in the following table.

Table A-1
Sound Levels Commonly Found in the Environment

Sound Level	Location
0dB(A)	Threshold of hearing
20 to 30dB(A)	Quiet bedroom at night
30 to 40dB(A)	Living room during the day
40 to 50dB(A)	Typical office
50 to 60dB(A)	Inside a car
60 to 70dB(A)	Typical high street
70 to 90dB(A)	Inside factory
100 to 110dB(A)	Burglar alarm at 1m away
110 to 130dB(A)	Jet aircraft on take off
140dB(A)	Threshold of Pain

Acoustic Terminology

dB (decibel) The scale on which sound pressure level is expressed. It is defined as 20 times the logarithm of the ratio between the root-mean-square pressure of the sound field and a reference pressure (2×10^{-5} Pa).

dB(A) A-weighted decibel. This is a measure of the overall level of sound across the audible spectrum with a frequency weighting (i.e. 'A' weighting) to compensate for the varying sensitivity of the human ear to sound at different frequencies.

L_{Aeq} This is defined as the notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the A-weighted fluctuating sound measured over that period.

L₁₀ & L₉₀ If a non-steady noise is to be described, it is necessary to know both its level and the degree of fluctuation. The L_n indices are used for this purpose, and the term refers to the level exceeded for n% of the time. Hence L₁₀ is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, L₉₀ is the 'average minimum level' and is often used to describe the background level. It is common practice to use the L₁₀ index to describe traffic noise.

L_{AMax} This is the maximum A-weighted sound pressure level recorded over the period stated. L_{AMax} is sometimes used in assessing environmental noise where occasional loud noises occur, which may have little effect on the overall L_{eq} noise level but will still affect the noise environment.

Appendix B – Noise Monitoring Equipment



Table B-1
Noise Monitoring Equipment

Equipment	Serial Number
Svantek SV307 Noise Monitoring Station	87841
Svantek ST30 Microphone	86127
01dB Fusion Sound Level Meter	11860
G.R.A.S 40CD Microphone	331802
01dB PRE22N Preamplifier	1707207
01dB Fusion Sound Level Meter	12080
G.R.A.S 40CD Microphone	1805334
01dB PRE22 Preamplifier	331919
Castle GA607 Acoustic Calibrator	039063

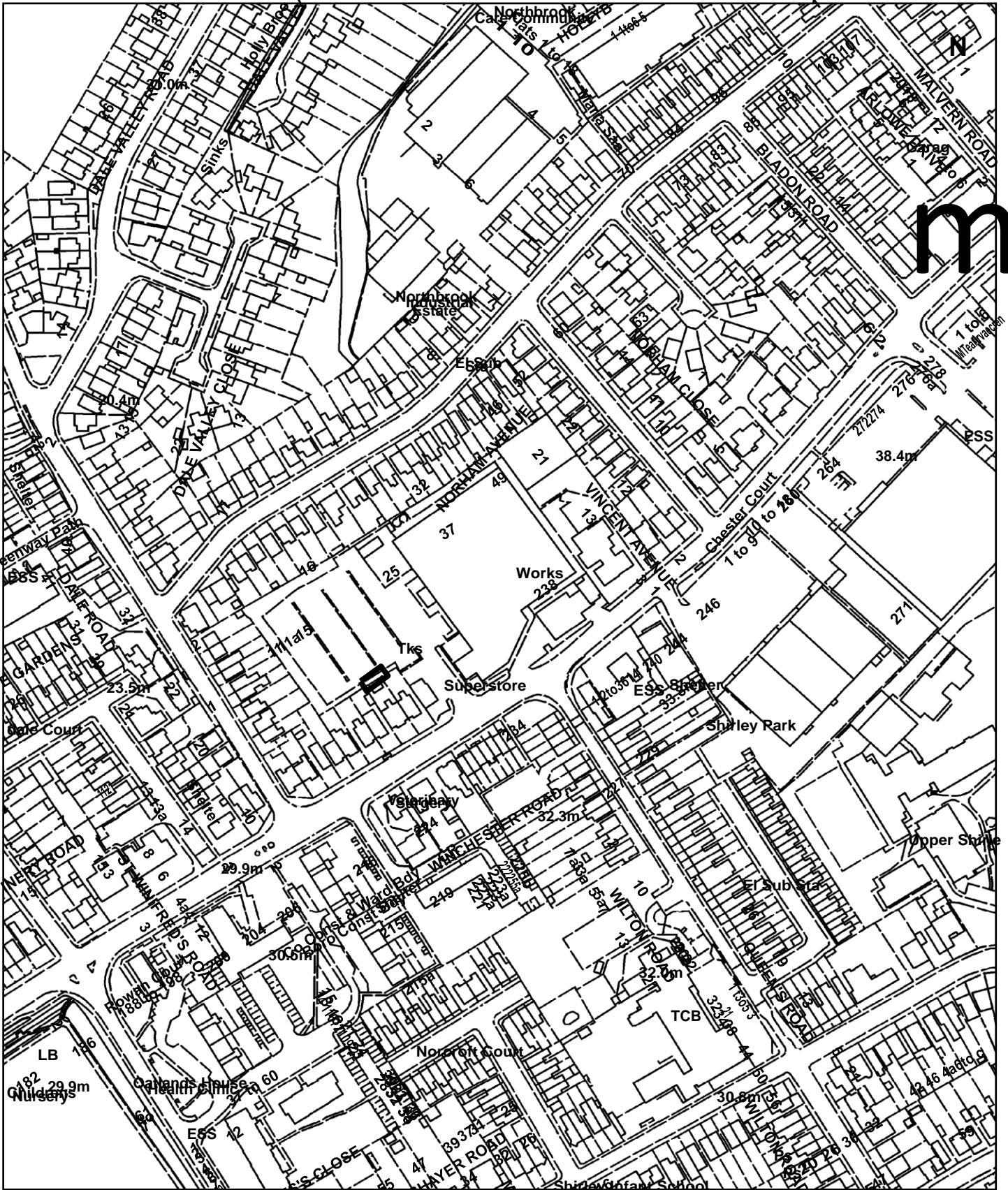
Appendix C – Figures

Figure C-1
Measurement Location Plan



-  Noise Measurement Location
-  Cold Store Location

20/01317/FUL



St. James Park
Recreation Ground

Turners Oak
Court

Scale: 1:2,500

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Planning and Rights of Way Panel 13th July 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 11 Monks Way, Southampton			
Proposed development: Erection of a single storey side extension			
Application number:	21/00619/FUL	Application type:	FUL
Case officer:	Killian Whyte	Public speaking time:	5 minutes
Last date for determination:	11.06.2021	Ward:	Swaythling
Reason for Panel Referral:	5 or more letters of objection and Ward Cllr referral	Ward Councillors:	Cllr Lorna Fielker Cllr Sharon Mintoff Cllr Spiros Vassiliou
Referred to Panel by:	Cllr Lorna Fielker and Cllr Spiros Vassiliou	Reason:	Development is out of keeping with the character of the Herbert Collins Estate and would affect visibility and set an unwelcome precedent
Applicant: Mr Eric Stone		Agent: Mr Steve Walker	

Recommendation Summary	Conditionally approve
-------------------------------	-----------------------

Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policy – CS13 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the Residential Design Guide SPD (2006) and Parking Standards SPD (2011).

Appendix attached			
1	Development plan policies		

Recommendation in Full

Conditionally Approve

1. The site, its context and background to the scheme

- 1.1 The application site is a two-storey terraced dwelling in a residential area characterised by two storey terraced dwellings fronting open space.

2. Proposal

- 2.1 The proposal is for a 3.6m high, 3.2m wide and 9.1m depth west facing single storey side extension. The original application also included the insertion of a side facing dormer, which would have faced Monks Way.
- 2.2 The proposals have been amended during the course of the application to address some neighbour and officer concerns. The roof dormer has been relocated from the side to the rear and now falls under permitted development under Schedule 2, Part 1, Class B of the Town and County Planning (General Permitted Development (PD)) Order 2015 (as amended) as the dormer does not exceed 40m³ of the original roof space. Following this amendment the dormer has been removed from the description of the development as it does not require planning permission.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies are set out at **Appendix 1**.
- 3.2 Saved Policy SDP1 (Quality of development) of the Local Plan Review seeks development that would not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context), SDP9 (Scale, massing and appearance) of the Local Plan Review, policy CS13 (Fundamentals of Design) of the Core Strategy are supplemented by design guidance and standards set out in the Residential Design Guide SPD, which seeks high quality housing, maintaining the character and amenity of the local area.
- 3.3 Policy SDP 7 from the Local Plan (2015) says that any development proposal should both respect the existing layout of buildings within the streetscape and the scale, density and proportion of existing buildings. It is considered that this proposal will achieve that through its design, which like No.1 Monks Way integrates into the character of the existing property.
- 3.4 Policy SDP 9 on scale, massing and appearance from the Local Plan (2015) says that any development proposals should respect their

surroundings in terms of the impact on surrounding land uses and local amenity. It is considered that this proposal will respect its surroundings in terms of its material use as well as will integrate well into the character of the building and the surrounding area.

- 3.5 Section 2.5.2 of the Residential Design Guide (2006) says that any roof of a proposal must relate to the original design of the building and existing roof which usually means a pitched roof (hipped or gabled) set lower than the ridge of the main roof. Furthermore, roof tiles or slates, ridge, hip, valley and ventilation tiles and or details, and valley details should be the same for extensions as for the original building and use the same sized, coloured and textured tiles or slates. It is considered that the hipped roof and the design materials integrate and matches the existing property. Furthermore, it is single storey only and thus will not take away from the character and amenity of the existing property.

4. Relevant Planning History

- 4.1 There is no relevant planning history at this site.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of this planning application, a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **7 representations**.

The following is a summary of the points raised:

- 5.1.1 *'The plans clearly shows the plans are for a Front Extension as opposed to a side extension'.*

Response: This proposal takes place at the side of this property, as the front of this property is North facing in line with the line of residential properties in this row of terraced properties. The side of this property is west facing.

- 5.1.2 *'These plans would cause damage to the look of the whole estate and the erode the historical importance of this Herbert Collins Estate. Which is designed and built on the garden city movement, of houses set back with large front gardens, with the open plan design of the whole estate'.*

Response: This property does not fall within a conservation area and this property is not listed. There is no designated heritage conservation attached to this area and whilst the surrounding area is in the Herbert Collins style, it has not been designated as a conservation area. This proposal will not erode a front garden as it is taking place at the side of this particular property.

- 5.1.3 *'These plans would stick out beyond everyone's property, overshadow neighbouring properties and front gardens, reduce the front garden of this property ruining the look and symmetry of the road'.*

Response: Whilst it is acknowledged that this property would be immediately visible from the main streetscene, the design incorporates well into the main property and it is considered that this proposal to the side of this property will not cause any overshadowing to the neighbouring property to the south at No.13. The front part of this terrace will not be impacted by this proposal. Given the single storey nature of the development the shadow will fall predominantly across the application site rather than its neighbours.

- 5.1.4 *'These plans would change the whole look when you are approaching Monks Way, as the terraces would not be the same'.*

Response: This is a modest alteration to the property, it is single storey only and its design incorporates well into the existing property. Thus, it is considered that this proposal will not have a negative impact on the amenity on both the existing property and the surrounding area.

- 5.1.5 *'The extension would be too dominant in the street scene, too other properties, effect the openness of the location, effect visibility for motorists and pedestrians'.*

Response: This proposal due to its scale and position at the side of this property is considered not to have a negative impact. Furthermore, this proposal is set in by approximately 6m from the public highway and thus will not have a negative impact on highway safety on this section of Monks Way.

- 5.1.6 *'The traffic at this end of Monks way is already dangerous to the community and an extension down there would only make matters worse. This proposal could also affect the visibility of drivers as this is on a corner property'.*

Response: This proposal is set in by at least 6m from the public highway and thus will not have a negative impact on highway safety on this section of Monks Way. This proposal will not have any impact on sightlines in this section of Monks Way.

- 5.1.7 *'There are covenants in place relating to the Mansbridge area which this overdevelopment breech since most cover the preservation of the dwellings and this proposal is contrary to this'.*

Response: Residential covenants are not Planning matter and can be enforced in other ways.

- 5.1.8 *'The main lines for services such as gas, water and sewage run close to the surface and it is more likely than not that neighbours would be adversely affected'.*

Response: This is not a Planning consideration and, if necessary, can be resolved at the Building Regulations stage.

5.2 Consultation Responses

5.2.1 Cllr L Fiekler:

I object to this extension. The plans show an extension to the front not side of the property This is out of keeping with the character of the Herbert Collins Estate.

5.2.2 Cllr S Vassilliou

I wish to object to this application for the following reasons and ask that final determination goes to the planning panel for consideration:

- 1) This extension would cause damage to the look of the estate and would not be in keeping with the area as it would be overbearing to the front of the property and out of character.
- 2) It could effect the visibility of drivers as this is on a corner property.
- 3) This is a historical Herbert Collins Estate and this could set an unfortunate precedent in undermining the open green plan of the estate.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in determining this planning application are:

- (i) Design; and,
- (ii) Residents' amenity.

- 6.2 The application description initially referenced a small rear roof dormer located in the southern roof slope. The proposed dormer would extend the existing roof with a volume of 2.1m³ which is significantly under the PD allowances for a terraced property which is 40m³. As such the dormer could be constructed under permitted development and does not require express planning permission. Therefore, these works have a material fallback position of permitted development and therefore it would be unreasonable to refuse permission for the roof works in this instance.

6.3 **Design**

- 6.3.1 No.11 Monks Way is an end of terraced property which forms part of a crescent of terraced properties facing north on to public amenity land. The side elevation of the property runs parallel with Monks Way and incorporates a side access door. Towards the rear of the site is a fenced off area associated with the rear garden of the property. Between the side elevation and Monks Way is a deep verge and footpath. The proposals are for a single storey side extension that would run the length of the flank

elevation of the property. The side extension would have a hipped roof and incorporate a new access door. The siting, size and design of the extension would be highly visible from Monks Way. Due to its location between the side elevation of the property and a highway, planning permission is required.

- 6.3.2 Whilst the side extension would be highly visible in the street, it is not considered it would detract from the existing property or result in an incongruous or harmful addition to the street scene. The use of hipped roof would lean in to the existing dwelling and reduce any bulk to the roof and the width and depth of the extension would be proportionate with the existing dwelling. On this basis the extension is considered to be a proportionate and sympathetic addition to the existing property. No.1 Monks Way also has a similar sized side extension which is prominently visible from Mansbridge Lane, which appears as a sympathetic addition to the street scene. In this instance the extension is also considered to be sympathetic and would not be harmful to pattern of development in the area or the character and appearance of the area. On this basis the proposals are considered to be acceptable and would comply with the requirements of the relevant Development Plan policies listed above, and guidance contained within Section 12 of the NPPF.

6.2 **Residential Amenity**

- 6.2.1 No.s 9, 12 and 13 Monks Way would look out on the single storey extension. However, given the single storey scale of the development, coupled with its location parallel to Monks Way and significant distance to neighbour properties (over 15m from the nearest neighbour to the south), it is not considered that that proposed extension would result in significant overlooking impacts or overshadowing to the amenities of the nearby occupiers. On this basis the proposals are considered to be acceptable when assessed against saved Local Plan policy SDP1(i).

7. **Summary**

- 7.1 In summary, the proposals would integrate well with both the character of the property and the surrounding area. In addition, this proposal will not have a negative impact for neighbouring properties and the proposals would comply with the relevant Development Plan policies.

8. **Conclusion**

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) (g) 4.(f) (vv) 6. (a) (b)

KW for 13/07/2021 PROW Panel

Conditions:

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Materials as proposed (Performance Condition)

The materials and finishes to be used for the walls, roof, windows and doors hereby permitted shall be as specified and detailed in the application form, unless otherwise agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13 Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP4 Development Access
SDP5 Parking
SDP7 Context
SDP 9 Scale, Massing and Appearance
SDP10 Safety & Security

Supplementary Planning Guidance

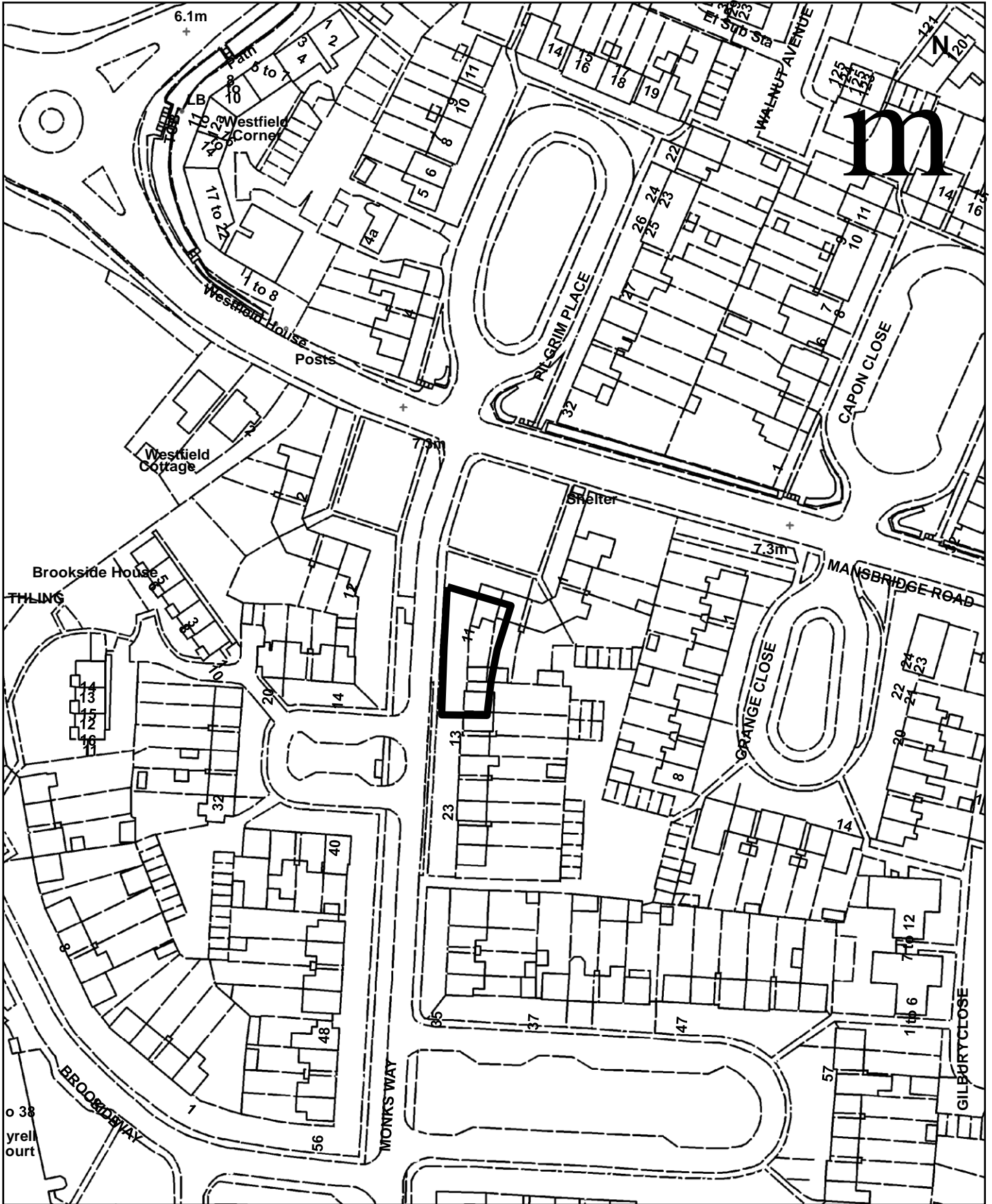
Parking Standards SPD (September 2011)

Residential Design Guidance

Other Relevant Guidance

The National Planning Policy Framework (2019)

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